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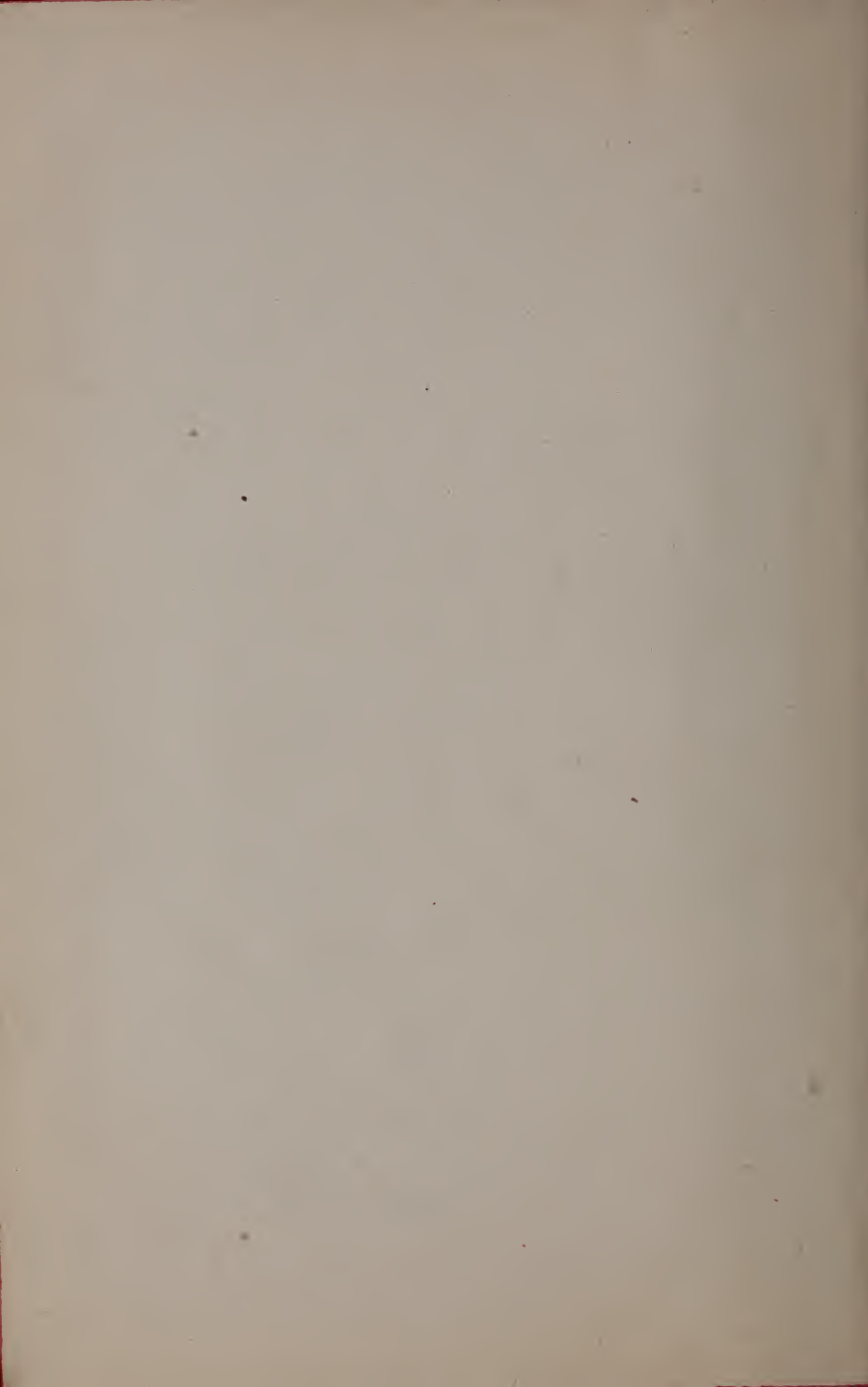
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UNITED STATES OF AMERICA.





THE
GOVERNMENT OF THE PEOPLE
OF THE STATE OF
ILLINOIS

BY
HARVEY W. MILLIGAN, A. M.
" "
PROFESSOR OF HISTORY IN ILLINOIS COLLEGE



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It has seemed to the author that the wisdom of the fathers, in separating the functions of government into three departments, and entrusting them to different groups of persons, was not sufficiently appreciated. The changes which are suggested by the discontented of to-day would practically destroy this safeguard of our liberties.

If this little volume shall assist in impressing upon the youth of our State, not only the excellence of the distinction between the Legislative, Executive and Judicial powers, but also the fact that safety lies in keeping them distinct, the object of the writer will be attained.

Frequent references by the pupil to the text of the constitution will help to secure this end, but the intelligent, enthusiastic co-operation of the teacher is essential to the greatest success.

The author desires to express his obligations to Hon. William H. Hinrichsen, Secretary of State; Hon. Cyrus Epler, Judge on the Seventh Circuit of Illinois; Hon. Thomas Worthington, Hon. Isaac L. Morrison, George A. Merrill, Esq., and others, who have kindly aided him with valuable information and advice in the preparation of this work.

H. W. MILLIGAN.

ILLINOIS COLLEGE.



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ROBERT CAVELIER DE LA SALLE.

ILLINOIS.



CHAPTER I.

HISTORICAL SKETCH OF ILLINOIS.

I. THE FRENCH PERIOD.

1. Near the close of the seventeenth century a few bold cavaliers zealous for the glory of France, and a few devout priests zealous for the conversion of souls, began the exploration of that vast region, intersected by innumerable

water-ways, which is now called the Mississippi Valley. Of that occupation, illustrated again and again by deeds of heroism and piety perhaps unparalleled in American history, Francis Parkman has told the story.¹ A part of that story is the story of the people of the State of Illinois. It is a story of the days from La Salle to Lincoln, from the days of despotism to those of freedom. In the long struggle for the rights of man, Illinois and her people, in the providence of God, have borne no inconspicuous part. Her citizens, her soldiers, and her statesmen rank with the citizens, the soldiers, and the statesmen of her sister States with whom she has co-operated in the cause of humanity and human rights.

2. The first settlement of white people within the limits of the present State of Illinois was made by French colonists from Canada in 1679, under the direction of the *Sieur De La Salle*, a friend of *Frontenac*, the French governor of Canada. *La Salle* discovered and named the Illinois River from an Indian tribe called *Illini* who lived on its banks. In 1682 he again visited Illinois with another colony of Canadians, made settlements at *Kaskaskia*, *Fort Chartres*, and elsewhere, and made a voyage down the Mississippi River to its mouth; in the same year he established a depot for the purchase of furs from the Indians at *St. Louis of the Rock* about eight miles from the present city of *Ottawa*. This place is a natural fortress, being elevated one hundred and thirty-five feet above the river. Its northern side is on the Illinois River; it has a level top including three-fourths of an acre, and the only available approach is by a steep path on its eastern slope, which is easily fortified.

3. At this place, which was afterward known as *Starved Rock*, and in its vicinity, not less than twenty thousand Indians belonging to different tribes were gathered, the

¹ Parkman's "Discovery of the Great West," "Pontiac and the Indian Wars," etc.

women employed in raising corn and vegetables for sustenance, the men mainly engaged in the collection of furs which they bartered with the French for commodities. It is no wonder that the French became wealthy by exchanging knives, scissors, pocket looking-glasses, and other inexpensive trinkets for furs which were worth in Paris a thousandfold more.

4. Meanwhile a new French governor, envying the profits that La Salle was enjoying from the fur-trade, took the place of Frontenac at Quebec. He issued orders unfriendly to the business, and in 1702 he discontinued the fort at Starved Rock.

5. The first permanent settlement of Europeans in Illinois was made at Tamaroa, now called Cahokia, in St. Clair county, near the Mississippi River, a few miles below St. Louis. The precise time of its settlement is uncertain, but an Indian village and Catholic missionaries were there in the year 1700. Some of these missionaries were secular priests, a larger number belonged to the Recollet order, and at a later period a still greater number came who were Jesuits. The benevolence which these priests practised toward their fellow-men, and their fervent piety, gave them a deserved influence over the Indians as well as over their own countrymen. Their teachings were the laws of the people, their decisions were as authoritative as the decisions of courts, and both justice and mercy reigned in harmony. It was a golden age for the colonists.

The discoveries and settlements of the French colonists and of the French Jesuit missionaries gave to France the ownership of the great Mississippi Valley by right of discovery and first occupation.

6. In 1712, Crozat, a French merchant, received a grant from the king of France, authorizing him to search for wealth in the king's dominions from the Wabash River to the Mexican Gulf, on condition that one-fifth of the revenues that he received should be paid to the French king.

7. In pursuing his schemes Crozat endeavored to open commerce with the Spaniards on the Gulf of Mexico, but they insisted that they were the owners of the Mississippi Valley, and that he was a trespasser on their territory. He then proposed to exchange the products of Illinois with the Spaniards of Santa Fé for their gold and silver, but his offers were rejected.



MAP SHOWING THE TERRITORY CLAIMED BY FRANCE AND BY SPAIN.
(ABOUT 1750 A. D.)

8. Crozat then attempted to enrich himself by trading for furs with Indians to the east and south-east, but the superior energy and enterprise of the English settlers of Virginia and the Carolinas, who had penetrated the forests of Kentucky and Tennessee, secured the trade of the Indian tribes east of the Mississippi. Crozat failed, as so many others have failed, to perceive that the wealth of Illinois and of the Mississippi Valley lies in the inexhaustible fertility of its soil. After five years of labors and failures, in which he exhausted all his capital, he received permission from the king to give up his charter. The control of the commerce of the valley passed again into the hands of the king of France.

9. In 1717, John Law brought forward his famous "Mississippi scheme." This financial illusion is one of the most remarkable episodes in history. Many millions of dollars were lost, and thousands of persons were made paupers, by purchasing stock in a speculative company that possessed no wealth nor a prospect of any. It was a delusive scheme which proposed to pledge all the land of North America east of the Mississippi River as security for the shares of its stock. A company called the "Western Company" was formed in France to mine for silver and gold in the Mississippi Valley. To this company the king gave the control and government of the French territory in the Mississippi Valley. The present counties of Jackson, Monroe, Randolph, and St. Clair, and other parts of Illinois, were searched for silver, and a Frenchman named Renault brought from France two hundred laborers, and from St. Domingo five hundred negro slaves, to work in the mines. The enterprise was as fruitless as the search for gold at Jamestown in 1607. The financial collapse of the Western Company was delayed, but not avoided, by the change of its name to "The Company of the Indies." In 1732 the company gave up its charter, and the territory was again ceded to the king of France. For the next thirty years the government of the French dominions in the Mississippi Valley was vested in governors appointed by the king. Under the royal governors Bienville, De Vaudreuil, La Buissonier, and Macarty, the people were contented and happy. "The governor, aided by the friendly advice of the commandant and priests, either prevented the existence of controversies, or settled them, when they arose, without litigation." Lawsuits and courts were unknown. This period has been called by historians "the halcyon days of Illinois."

10. For reasons which are now clearly understood, the settlement of Illinois and the Mississippi Valley had been a failure. The French, up to the time of the surrender of

Quebec to the English in 1759, had been in undisturbed possession of the country for eighty years, yet from Lake Michigan to the Gulf of Mexico there were only four thousand white inhabitants. The reasons for this failure are stated by Judge Moses in his work on Illinois: 1. The French offered no inducements to settlers to become owners of the soil. 2. Transfers and sales of land were burdened with restrictions and heavy fines. 3. Energy was paralyzed by the grasp of commercial monopolies, thus stamping out all competition. 4. The French preferred ignorance to knowledge. During their domination in Canada there was not a printing-press in the province.

11. The defeat of the French at Quebec in September, 1759, and the surrender of Mackinaw, Detroit, and other posts to the English in the following year, ended French supremacy in the Mississippi Valley. In 1763, by the treaty of Paris, France relinquished all claim to territory in North America, but it was not until the 10th of October, 1765, that the lilies of France gave place to the cross of St. George over Fort Chartres, the last stronghold of the French in Illinois.

II. THE ENGLISH PERIOD.

12. The most dramatic event of this period—extending from 1765 to 1778—is the conspiracy of Pontiac, a conspiracy whose dark deeds are told by one of our most illustrious historians.¹ In the story of the American Indians, Pontiac is no less famed than Philip or Tecumseh.

13. It had always been the policy of the French to ingratiate themselves with the natives. In this they were remarkably successful. By providing the Indians with guns, ammunition, and clothing, by purchasing their furs and supplying them with spirits, and by free and equal social intercourse with them, the French not only made

¹ Francis Parkman.

themselves agreeable to the natives, but also essential to their welfare.

14. The English, on the contrary, made little effort to acquire the good will of the natives, and had it not been for the prudent firmness of Major Rogers in his negotiations with Pontiac, a great part of the advantage arising from the surrender of Canada might have been lost. Pontiac aroused and combined all the tribes of the West against the English. From the Susquehanna to the Mississippi no white person was to be spared. Every stronghold west of Pittsburg, except Detroit, fell into the hands of the Indians.

15. But with the defeat of the natives in Ohio, the relief of Detroit, the recapture of Mackinaw and other forts that had been seized by the Indians; when the French commander at St. Louis assured the Indians that the French dominion in Canada had been ceded to England, and the trans-Mississippi territory to Spain; when Boquet had compelled a surrender of the whites who had been adopted into the families of their captors; and, finally, when Captain Stirling, at the head of the 42d Highlanders, raised the flag of England over Fort Chartres,—Pontiac realized that his power had departed, and he sullenly bowed to his fate. His inglorious assassination near St. Louis soon afterward gave peace and encouragement to the English. From the older settlements in the East and the South-east, stimulated by the hope of a gainful traffic with the natives or the prospect of abundant returns from the soil, immigrants began settlements in the river-bottoms of Illinois.

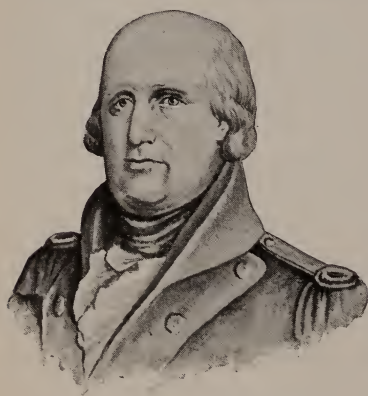
16. On the 10th of October, 1765, Fort Chartres was surrendered by the French to the English. The first official act of the English officer in charge was to publish a proclamation issued by General Gage, commander-in-chief of the British forces in North America, offering to the French inhabitants religious freedom, with the rights and privileges of British subjects, if they would take the oath

of allegiance to England. If they chose France to England, they were offered a safe removal, with all their goods. About one-third of the French settlers sold their lands to British subjects, preferring to leave the country.

17. On June 2, 1774, the English Parliament passed an act by which the North-West Territory,¹ of which Illinois was a part, was included in the Province of Canada. This act was denounced by the settlers, most of whom, having come from the eastern colonies, retained sentiments of friendship for their old homes. In the Declaration of Independence this act is cited as one of the illegal acts of the English Government.

III. THE TERRITORIAL PERIOD.

18. In 1777, the year following the Declaration of Independence, Colonel George Rogers Clark, recognizing the wisdom of including the North-West Territory within the



COLONEL GEORGE ROGERS CLARK.

limits of the United States, proposed to Patrick Henry, then governor of Virginia, a plan for capturing the English posts in Illinois and Indiana, which was approved. Clark was furnished with \$6000 by Virginia, and was authorized to raise a body of troops. Arriving at Kaskaskia July 5, 1778, he captured the garrison and the English governor without firing a gun. He soon after-

ward captured Fort Vincennes, and took possession of Ca-

¹ The North-West Territory comprised all the land westward from Pennsylvania and Virginia to the Mississippi River, and from the Ohio River to the Canadian line. It embraced all the land now occupied by the States of Ohio, Indiana, Illinois, Michigan, and Wisconsin.

hokia and the other settlements in Illinois. The account of Clark's campaign reads like a tale from Froissart. Fort Vincennes was afterward retaken by the British, and again recaptured by Clark. From this time it was held by the Americans. The United States, mainly through the foresight and energy of Clark, "the Hannibal of the West," was able, in the treaty between the United States and England in 1783, to secure the Great Lakes, and not the Ohio River, as the northern boundary of our continent.

19. It was partly on account of Clark's conquests, and partly because of the charter of 1606 to the old London Company which conveyed "the land from sea to sea," that the State of Virginia laid claim to the territory northwest of the Ohio River. Massachusetts, Connecticut, and New York also claimed portions of the territory under the terms of their charters. These claims infringed upon that of Virginia, but all these claims, as well as similar claims made by North Carolina, South Carolina, and Georgia, were voluntarily relinquished in cessions made by the legislatures of those States to the General Government. The only condition insisted on was one by Virginia, which declared that the expenses incurred by the State of Virginia in maintaining forts and garrisons and in subduing British posts should be repaid this State by the United States; that the French settlers who had become citizens of Virginia should be protected in their rights and possessions; and that one hundred and fifty thousand acres of land which had been promised to George Rogers Clark and his men should be laid off in one tract and divided among them. This condition was agreed to by Congress, and on March 1, 1784, the deed of cession was given by Virginia to the United States.

20. The ordinance of 1787, which was passed by the Congress of the Confederation before the Constitution of the United States was adopted, fixed the basis of future

government in six unalterable articles in the form of an agreement between the people of the original States and the people of the North-West Territory. Of this ordinance Chief-Justice Chase has said: "Never, probably, in the history of the world did a measure of legislation so accurately fulfil and yet so mightily exceed the anticipations of the legislators. The ordinance has been well described as a pillar of cloud by day and of fire by night in the settlement of the North-western States. When the settlers went into the wilderness they found the law already there."

21. In 1789, President Washington appointed General Arthur St. Clair as the first governor of the North-West Territory. In 1791, General St. Clair was defeated in a battle with the Indians. General Anthony Wayne then took command of the troops, and, having defeated the Indians, made a treaty with them in 1794, and made permanent the safety of the settlers who from that time freely emigrated into the territory.

22. In 1800, Congress created Indiana Territory out of the North-West Territory, including in it most of the territory now occupied by the States of Indiana, Illinois, Michigan, and Wisconsin. General William H. Harrison was appointed governor of the territory, with the seat of government at Vincennes. During his term of office he made so many treaties with different Indian tribes that he was known as "the great treaty-maker." Not less than thirteen treaties with the Indians are signed with his name.

23. After the purchase of Louisiana from the French, that country was annexed to Indiana Territory. The connection continued, however, but one year, ending in March, 1805.

24. In 1809, Illinois Territory was created by Congress out of that part of Indiana Territory lying west of the Wabash River. Its capital was located at Kaskaskia. Ninian Edwards was appointed governor by President Madison. At this time the white population of Illinois

Territory was about nine thousand, and the Indian population about eighteen thousand.

25. During the war of 1812-15 with England, the principal engagement in the Territory of Illinois was what is known as the "Massacre at Fort Dearborn," which stood upon ground now occupied by part of the city of Chicago.

IV. ILLINOIS AS A STATE.

26. In January, 1818, the legislature of the Territory of Illinois petitioned the National Congress for admission into the Union as a State. On April 18, 1818, Congress passed an enabling act beginning as follows: "Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled: That the inhabitants of the Territory of Illinois be and they are hereby authorized to form for themselves a constitution and state government, and to assume such name as they deem proper, and the said State when formed shall be admitted to the Union upon the same footing as the original States in all respects whatever."

27. In May, 1818, a convention was held, composed of thirty-three delegates from the fifteen counties which composed the Territory,¹ and formed the first constitution of the State. In accordance with the provisions of the constitution, an election for state officers and members of the state legislature was held in September. In October the Legislature met at Kaskaskia and organized the state government.² The provisions of the enabling act having been

¹ These fifteen counties were: Bond, Crawford, Edwards, Franklin, Gallatin, Jackson, Johnson, Madison, Monroe, Pope, Randolph, St. Clair, Union, Washington, and White.

² The first state officers were: Governor, Shadrach Bond; lieutenant-governor, Pierre Menard; secretary of state, Elias Kent Kane; state auditor, Elijah C. Berry; state treasurer, John Thomas; attorney-general, Daniel P. Cook; adjutant-general, William M. Alexander. The legislature elected Ninian Edwards and Jesse B. Thomas United States senators.

complied with, Illinois, the twenty-first State, was admitted into the Union by Congress, December 3, 1818.¹

28. The act providing for the admission of the State made the line of $41^{\circ} 39'$ north latitude the northern boundary. Judge Pope, the delegate in Congress from the Territory of Illinois, declared that the territorial boundary of $41^{\circ} 39'$ would give the State no interest in Lake Michigan, while the line of $42^{\circ} 30'$ would give her a lake port and would bind her in business relations to the Northern as well as to the Southern States. With prophetic foresight he said: "If her commerce is to be confined to that great artery of communication, the Mississippi, which washes her entire western border, and to its chief tributary on the south, the Ohio, there is a possibility that her commercial relations with the South may become so closely connected that in the event of an attempted dismemberment of the Union, Illinois will cast her lot with the Southern States. On the other hand, to fix the northern boundary of Illinois upon such a parallel of latitude as would give to the State territorial jurisdiction over the south-western shores of Lake Michigan

¹ At the present time the enabling act usually defines the territory to be admitted by fixing its boundaries; provides for calling a convention of the electors of the Territory to form a constitution, and for submitting the constitution so formed to popular vote; it stipulates that a republican form of government shall be established, and that the constitution adopted shall not in any manner conflict with the Constitution of the United States nor with the principles of the Declaration of Independence; that ordinances shall be enacted providing for the perfect toleration of religious sentiment and freedom of worship; that provision shall be made for establishing and maintaining a system of public schools, and for the payment of the territorial debts; it determines the number of representatives to Congress to which the State is entitled at the time of admission; it appropriates certain lands belonging to the United States, situated within the Territory, for the benefit of state and educational institutions; and it contains such other provisions as Congress may deem necessary.

would be to unite the incipient commonwealth to the States of Indiana, Ohio, Pennsylvania, and New York in a bond of common interest wellnigh indissoluble. By the adoption of such a line Illinois may become at some future time the keystone to the perpetuity of the Union. A water-way connecting the Lake with the Mississippi would bind together the East and the West by a community of interest." The result of Judge Pope's argument was to change the northern boundary of the State from $41^{\circ} 39'$ to $42^{\circ} 30'$ north latitude, and thus to include Illinois, ever after, among the Northern rather than the Southern States. This change in boundaries gave Illinois lake-ports and lead-mines.

29. Shadrach Bond was the first governor of the State of Illinois. During his administration a state bank with three branch banks, chartered by the legislature, furnished \$300,000 in currency, which was made receivable for state and county taxes and for salaries. This paper money gradually fell in value until the notes were worth but thirty per cent. of their face. A law delaying the collection of debts was also unfortunately enacted by this legislature. The firmness of Governor Bond in executing a duellist who had shot his opponent put an end to duelling in Illinois.

30. In 1822, Edward Coles was elected governor as successor to Governor Bond. The limitation of slavery in Illinois was the most important question that arose during his term. Slavery was growing in the State, the number of slaves having increased from 168 in 1810 to 917 in 1820. One of the United States Senators, the lieutenant-governor, and both houses of the legislature were in favor of slavery. Governor Coles was opposed to it. A special committee of the legislature to which had been referred the question of slavery recommended that at the next election the electors should vote for or against a convention to amend the constitution so as to legalize slavery. After a

long and severe contest for a year and a half the proposition was defeated by the people. The vote stood: "for," 4972; "against," 6640—a majority of 1678 against legalizing slavery in the State.

31. In 1825, during the administration of Governor Coles, General La Fayette visited the State. Governor Coles was quite unpopular during his lifetime, but to him, says Judge Moses, "the people of Illinois are more indebted than to any other person for saving the State, then and for ever, from the black curse of African slavery."

32. Ninian Edwards was governor of Illinois from 1826 to 1830. He was more popular with the people than either of his predecessors had been.

33. The event which was of most interest during the administration of Governor John Reynolds, who succeeded Governor Edwards, was the so-called Black Hawk war. "This," says Judge Moses, "has been most unduly magnified. It is the story of calling out eight thousand volunteers to co-operate with fifteen hundred troops of the regular army in expelling from the State a band of about four hundred Indian warriors, with their one thousand women and children, at an expenditure of millions of money and three years of time, besides the loss of over a thousand lives. It was brought on by the interference of the state authorities, together with those of the United States, upon the false pretences and clamorous demands of a few interloping squatters who were themselves in the wrong." Governor Reynolds himself gives an account very different from the above.

34. The fifth governor of Illinois was Joseph Duncan, elected in 1834. He advocated a public-school system, the Illinois and Michigan canal, and a homestead exemption bill. A bill authorizing the removal of the capital from Vandalia to Springfield was passed during his administration. The removal of deposits from the United States Bank by President Jackson and their deposit in

state banks was followed by a period of wild speculation, resulting in financial stringency and many business failures. As a measure of relief, the governor called the legislature together in extra session and recommended the repeal of the internal improvement system. This the legislature refused to do, with the result, deprecated by Governor Duncan, of raising the state debt from \$217,276 to \$6,668,784. The Alton riots and the death of E. P. Lovejoy, which has been called the beginning of the end of slavery in the United States, were important incidents of Governor Duncan's administration.

35. Thomas Carlin was governor of Illinois from 1838 to 1842. On July 4, 1839, the capital was removed to Springfield. Further internal improvements were authorized by the Legislature, and in 1839 the indebtedness of the State amounted to \$13,230,550. This alarmed the legislature. It completed the railway from Springfield to the Illinois River at a cost of nearly one million dollars, leased it at a loss for a few years, and it was finally sold at auction for \$21,100.

36. The administration of Thomas Ford was noted for the outbreak of the citizens of Illinois sometimes called the Mormon War. This war was not one of which the State can be proud; its causes and results must be studied elsewhere. It was an illustration of the efficacy of persecution in building up an utterly absurd religious community. There was a marked improvement in the public credit of the State during Governor Ford's administration.

37. Augustus C. French was the last governor of Illinois under the constitution of 1818. A convention for revising the constitution of the State met at Springfield in June, 1847. The revised constitution was adopted by the people by a vote of 60,000 against 15,000. Governor French was re-elected in 1848, and served till 1852. It was during his administration that the law was enacted, which has since proved so popular, authorizing township organ-

ization of counties. A homestead exemption law, a prohibitory liquor law, and a free banking law were also passed. Each of these laws has been instrumental in developing industry, morality, and wealth in Illinois. During his second term the Illinois Central Railroad received its charter.

38. In 1852, Joel Mattison was elected governor. The most noted law enacted during his term was one prohibiting the immigration of free negroes into Illinois. The state debt, which had increased to \$16,000,000, was reduced to \$12,000,000.

39. The campaign of 1856 introduced into our politics the question of slavery extension. Senator Douglas and Abraham Lincoln were the exponents of these opposing policies. At the election William H. Bissel was chosen governor. During his administration the state debt was reduced to \$9,000,000. The governor died during his official term, and Lieutenant-Governor Wood acted as governor.

40. The election of Richard Yates as governor followed in 1860. By his energy and patriotism he earned the name of "the great war governor." His adjournment of the legislature in 1863, against its will, because he deemed its continuance a menace to the public welfare, was an illustration of his courage. In this act the people sustained him, and at the next election they sent to Springfield a legislature favorable to the prosecution of the war.

The removal of 30,000 muskets, with cannon, small arms, and ammunition, from the United States arsenal at St. Louis to Springfield, Ill., under direction of Governor Yates, at the beginning of the Rebellion, admirably illustrates the firmness of his purpose and the fertility of his resources.

41. Richard Oglesby was the next governor. During his administration the Thirteenth Amendment to the Constitution was sent to the States by Congress, and Illi-

nois was the first State to ratify it, thus having the signal honor of leading the line of American commonwealths in abolishing slavery.

42. During the administration of Governor John M. Palmer, from 1869 to 1873, occurred the Chicago fire, which destroyed more wealth than any similar calamity in this country; the third constitution of the State, that of 1870, was adopted; the Fifteenth Amendment to the national Constitution was adopted, and the state debt was diminished about four million dollars.

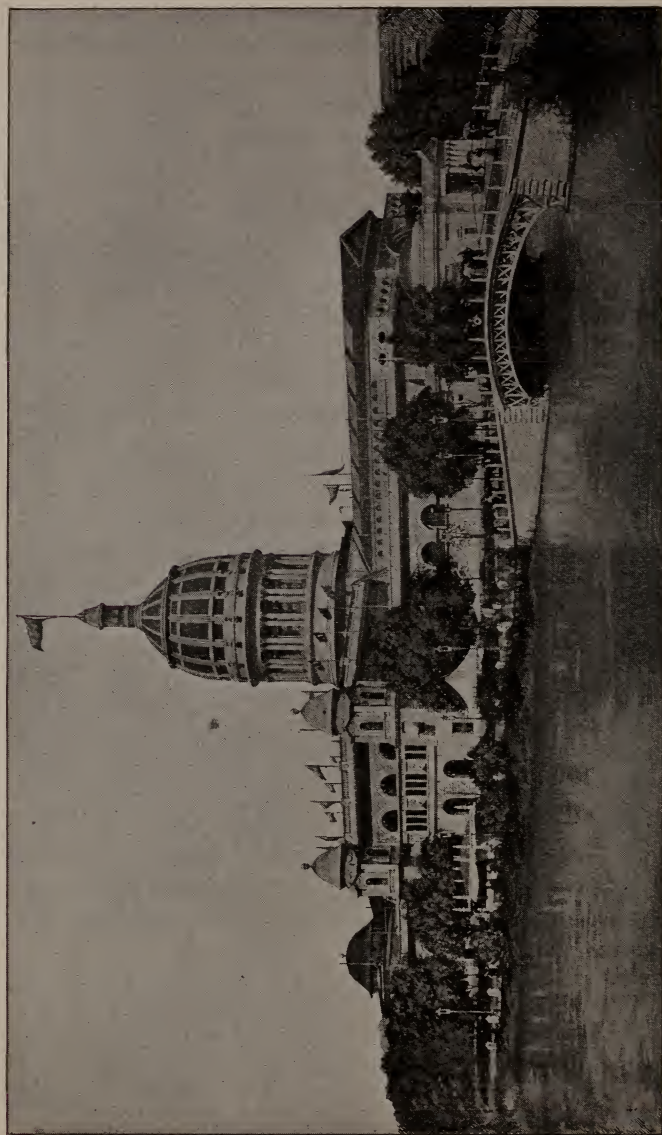
43. In 1872, Richard Oglesby and John L. Beveridge were elected governor and lieutenant-governor of Illinois. Governor Oglesby being elected almost immediately thereafter to the United States Senate, Lieut.-Governor Beveridge acted as governor during nearly the whole term.

44. Shelby M. Cullom was chosen governor in the centennial year of the Republic, 1876, and was re-elected in 1880. About the middle of his second term he was elected to the United States Senate, and Lieut.-Governor Hamilton acted as governor for the remainder of the term.

45. In 1884, General Oglesby became governor for the third time. He was succeeded in 1888 by Joseph W. Fifer, during whose administration the State debt was paid. In 1892, Fifer was succeeded by Governor John P. Altgeld. The prominent events of this administration were the great work, begun in 1892, of connecting by a navigable stream the Mississippi River with Lake Michigan, the organization and administration of the World's Columbian Exposition in 1893, and the great strikes of 1894.

46. In the light of the present day we can see that much of the legislation of the past seventy-six years has been unwise; yet, so great has been the industry and the energy of our people and the abundance of our natural resources that the mistakes of law-makers have but slightly retarded the prosperity of the people.

In the development of this country the people of the



THE ILLINOIS BUILDING, WORLD'S COLUMBIAN EXPOSITION, CHICAGO, 1893.

State of Illinois have borne no inconspicuous part. In 1818, Illinois was a frontier State; in less than seventy years it became the fourth State of the Union in order of population. During the summer of 1830 the region about Chicago was surveyed, including the harbor and a portion of the future city. An engineer writing from Chicago on the 13th of October of that year says that the sale of city lots began on the 27th of September, before which time "there was not one freeholder within one hundred miles of this place." Within sixty years of the time of this first sale of lots, Chicago became the second city in the Union in population, and the business capital of the Mississippi Valley. Never before in the history of the world has a great city come into existence so quickly. In ancient times great cities were sometimes founded by great conquerors, as Alexander founded Alexandria, and Constantine founded Constantinople. It is the people who build up great cities in America.



ULYSSES S. GRANT.

In the struggle for the preservation of the Union, Illinois led the States of the Mississippi Valley. Not only did she send her sons in vast numbers to battle for freedom, but she

gave to the Nation a great soldier, Grant, and a great commander and chief and president, Abraham Lincoln. These two Americans were as eminent in peace as in war. From Illinois have come two vice-presidents of the United States, one president, one secretary of state of the United States, two secretaries of war, one secretary of the interior, and an eminent justice of the supreme court of the United States. Among her notable United States senators are Douglas and Logan.



STEPHEN A. DOUGLAS.



JOHN A. LOGAN.

But the man of Illinois whose life during its last ten years was the history of this nation is Abraham Lincoln, "the foremost American." His fame now reaches to the ends of the earth, because he was the friend of freedom and of humanity. Of his humble birth, of his struggles in early life, of his fidelity to the great principles of popular government, of his career as president of the United States, of the great state paper which he wrote giving freedom to millions held in bondage, of his genial and kindly nature, of his wisdom and patience, of his untimely death, all the world knows. His life was "with malice toward none, with charity for all;" the government which

he served and administered was the "government of the people, by the people, and for the people," and he gave his life that this government "shall not perish from the earth."



ABRAHAM LINCOLN.

What nobler service can we, of this State that gave Abraham Lincoln to the Nation, do than to dedicate ourselves to the cause to which he gave "the last full measure of devotion"? What loftier privilege than the privilege of the American citizen to participate in the civil affairs of our community, of our State, of our common country? The long line of patriots lead the way. Following such footsteps, we cannot wander from the true path of safety. Popular government is the hope of the world. Its fate is in our hands. From every patriot grave in Illinois, from every patriotic deed and word of her noble sons, let us give renewed devotion to the cause of pure, just, and responsible government, and in the performance of our duties may the blessing of God rest upon the people of the State of Illinois.

PROMINENT EVENTS IN THE HISTORY OF THE STATE OF ILLINOIS.



- 1679. First settlement of whites within the limits of the present State of Illinois.
- 1682. Settlement at St. Louis-of-the-Rock.
- 1700. The first permanent settlement of white people at Tamaroa.
- 1702. Settlement at St. Louis-of-the-Rock abandoned.
- 1712. Grant from King Louis to Crozat.
- 1717. Crozat surrenders his charter to the king.
- 1717. Law's Mississippi scheme organized.
- 1717. The control of the Territory given by the king to the Western Company.
- 1732. The Territory again ceded to the king of France.
- 1732. Bienville and others royal governors till 1765.
- 1759. Termination of French supremacy in the Mississippi Valley.
- 1765. Fort Chartres surrenders to the English.
- 1765. English period to 1778.
- 1774. Illinois included in the Province of Canada.
- 1777. George Rogers Clark conquers the Territory for the United States.
- 1787. Ordinance for the government of the North-West Territory adopted by the Congress of the Confederation.
- 1789. Gen. Arthur St. Clair appointed first governor of North-West Territory.
- 1800. Indiana Territory created by Congress, and Wm. Henry Harrison appointed governor.

- 1809. Illinois Territory created by Congress, and Ninian Edwards appointed governor.
- 1812. Massacre at Fort Dearborn, Aug. 15.
- 1818. The "Enabling Act" passed by Congress permitting Illinois Territory to become a State.
- 1818. Convention to form Constitution and elect State officers, Sept. 17, 18, 19.
- 1818. Organization of State Government, Oct. 5, at Kaskaskia.
- 1818. Illinois admitted into the Union by Congress, Dec. 3.
- 1824. Proposition to amend the Constitution so as to legalize slavery in the State, defeated, Aug. 2.
- 1825. Visit of Gen. La Fayette.
- 1831. The Black-Hawk War.
- 1837. The Alton riots.
- 1839. State capital removed from Vandalia to Springfield.
- 1844. The Mormon War.
- 1848. Second Constitution of Illinois adopted.
- 1870. Present Constitution of Illinois adopted.
- 1871. Great fire in Chicago, Oct. 8 and 9.
- 1893. World's Columbian Exposition in Chicago.



THE GREAT SEAL OF THE STATE OF ILLINOIS.

CHAPTER II.

THE CIVIL GOVERNMENT OF ILLINOIS.

THE STATE.

47. The Citizen.—The Constitution of the United States provides that “all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside.” Hence all men, women and children born or naturalized in the United States and subject to the jurisdiction thereof, residing in the State of Illinois, are citizens both of the United States and of the State of Illinois. But all citizens are not electors. An elector is a citizen who has the right to vote. The Constitution of the State prescribes the qualifications of an elector.¹

¹ See *Art. VII. Sect. 1.* Reference is made to the Constitution to familiarize the student with the Constitution itself and to lead him to seek for information at its source.

48. **The State Government.**—The government of the State of Illinois is vested in three departments, the legislative, the executive, and the judicial.

THE LEGISLATIVE DEPARTMENT.

49. **The Legislative Power** of the State is vested in a General Assembly, which consists of a Senate and a House of Representatives.¹

50. **The General Assembly or Legislature** meets in the Capitol building at Springfield.² It makes all the laws of the State, but the laws that it makes must not conflict with the Federal Constitution nor with that of the State, or they may be declared unconstitutional by the courts, and therefore null and void. These laws provide for the dealings of citizens with one another, such as making contracts, partnerships, buying or selling property of any kind, making mortgages, deeds, notes, checks, etc.; for the organization and government of all corporations; for the prevention and punishment of crime; for the establishment and support of charitable and educational institutions; for establishing and regulating courts; for the government of counties, townships, cities, villages, and school districts; for the method of procedure in courts; for the qualifications of electors; and for all other matters in which the citizens of the State may have any interest. It is the duty of the legislature to make such laws as will promote the general welfare of the people of the State. All the laws of the State are enacted by the authority of "the people of the State of Illinois, represented in the General Assembly."³

The General Assembly divides the State into senatorial

¹ See *Art. IV. Sect. 1.*

² The sessions of the General Assembly begin at noon on the Wednesday after the first Monday in January of every second year (1895, '97, '99, etc.).

³ See *Art. IV. Sect. 11.*



THE CAPITOL BUILDING AT SPRINGFIELD.

districts, judicial districts, and congressional districts ; it determines all matters connected with the taxation required for carrying on the State government, and it elects two persons to represent the State in the United States Senate. Members of the legislature are paid five dollars per day and ten cents for every mile necessarily travelled in going to and returning from the capital. Fifty dollars per session is also paid to each member for postage, stationery, newspapers, and other incidental expenses.¹

51. The Senate consists of fifty-one members, one for each senatorial district into which the State is divided. The senator from each district is chosen by the electors thereof to serve for four years. The lieutenant-governor of the State is *ex-officio* president of the Senate, but he is not a member of that body, and has no vote except when the Senate is equally divided on a question. The Senate elects one of its own members president *pro tempore*, who acts as president when the lieutenant-governor is absent. The Senate has the sole power to try impeachments, and to confirm appointments made by the governor.

52. The House of Representatives consists of one hundred and fifty-three members, three representatives being chosen by the electors in each senatorial district to serve for two years ;² it elects one of its own members as its speaker, who appoints all the committees unless the House orders otherwise. The House of Representatives has the sole power to institute impeachments.³

Minority Representation ⁴ is made possible by permitting each elector to cast as many votes as there are representatives to be elected, and to distribute these votes as he may see fit ; he may cast three votes for one candidate ; or two votes for one candidate and one for another ; or one

¹ See Art. IV. Sect. 21.

² See Art. IV. Sect. 7.

³ See Art. IV. Sect. 24.

⁴ See Art. IV. Sect. 8.

and a half votes for each of two candidates; or one vote for each of three candidates.¹

53. How the Laws are Made.—The manner of making laws by the legislature is similar to the method of making laws by the Congress of the United States.

A law may originate in the form of a bill in either house. This bill must be referred to a committee, returned therefrom, and be printed for the use of members. It must be read in full in each house on three different days. No bill may embrace more than one subject, and that subject must be expressed in its title. A bill which has passed one house may be amended or changed in the other, but it must then be returned to the house in which it originated for its concurrence. On its final passage the bill must, in each house, receive the assent of a majority of the whole number of members, and the voting on the bill must be by yeas and nays; the name of each member voting, and the way he voted, must be entered on the journal.² If the bill is agreed to by a majority of the members of both houses it is sent to the governor. If the governor approves it, he signs it, and the bill becomes a law; if he does not approve it, he vetoes it; that is, he returns it with his objections to the house in which it originated. If both houses re-pass the bill by a two-thirds vote of all the members, it becomes a law without the approval of the governor. If it does not receive a two-thirds vote in both houses the bill is lost. If the governor fails either to sign or to return the bill within ten days, Sundays excepted, after it is presented to him it becomes a law without his signature, unless the legislature, by adjournment within ten days, prevents its return, in which case the bill becomes a law unless the governor files the bill with his objections, in

¹ For the qualifications of senators and representatives see *Art. IV. Sect. 3.*

² See *Art. IV. Sect. 12.*

the office of the secretary of state within ten days after such adjournment. The governor may veto certain items of a bill and approve the remaining items, in which case the vetoed items must be returned to the legislature for reconsideration, and the rest of the bill becomes a law.¹

THE EXECUTIVE DEPARTMENT.

54. The Executive Power of the State is vested in a governor, lieutenant-governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction and attorney-general, each of whom is chosen by the electors of the State to serve for four years from the second Monday of January next after his election, except the treasurer, who is chosen to serve for two years. All of the executive officers, except the lieutenant-governor, are required to reside at Springfield, and the public records, books and documents of the State are kept there.²

55. The Governor.—The supreme executive power of the State is vested in the governor. At the beginning of each session he is required to inform the General Assembly of the condition of the State and to recommend to its consideration such measures as he deems necessary and expedient, to make a statement of all moneys received and paid out by him from any funds subject to his order, with vouchers for the same, and to present estimates of the amount of money necessary to be raised for the purpose of carrying on the government of the State. He may on extraordinary occasions call the General Assembly together and if at any time the two houses disagree as to the time of adjournment he may adjourn them to such time as he thinks proper, not beyond the first day of the next regular session. He has the power to appoint, by and with the advice and consent of the Senate, all officers whose offices are established by the Constitution or which

¹ See *Art. V. Sect. 16.*

² See *Art. V. Sects. 1, 2.*

may be created by the General Assembly, except those whose appointment or election is otherwise provided for; to fill vacancies, under certain restrictions, that may occur in any office; to remove any officer whom he may appoint; to grant reprieves, commutations of sentence, and pardons for all offences after conviction. He is commander-in-chief of the military and naval forces of the State. All bills passed by the General Assembly, that he approves, he signs and they are then laws. It is his duty to see that the laws are faithfully executed. His salary is \$6000 per annum, and he has the use of the executive mansion for a residence.¹

56. The Lieutenant-Governor is *ex-officio* the president of the Senate. In the case of the death, resignation, absence from the State, removal from office or disability of the governor, the powers, duties, and emoluments of the office devolve upon the lieutenant-governor. In case of the death, resignation, removal from office or disability of the lieutenant-governor, the president *pro tempore* of the Senate becomes governor. The speaker of the House follows the president of the Senate in the order of succession. The salary of the lieutenant-governor is \$1000 per annum.²

57. The Secretary of State calls the House of Representatives to order at the beginning of each new assembly and presides over it until the House elects its presiding officer. He keeps a record of all the official acts and proceedings of the governor. He is the keeper of the seal of the State, and affixes it to such instruments as the law requires; he is the custodian of all laws passed by the Assembly; they and the veto messages of the governor are prepared for publication and are distributed to the people under his supervision; the official bonds of all officers

¹ See Art. V. Sects. 6-16 inclusive.

² For the qualifications of the governor and lieutenant-governor, see Art. V. Sect. 5.

and notaries public whom the governor commissions are kept by him; all appointments, commissions and proclamations issued by the governor are countersigned by him; he issues the charters of all corporations; the certificates of nomination of all candidates for State offices, or for offices in divisions of the State greater than a county, are filed in his office; he certifies to the county clerk of each county in which an election for such officers is to be held, the name and description of each person nominated for such offices; he is the custodian of all election returns sent to him by the county clerks; he keeps a record of all death-warrants, respites, commutations and pardons. He is the agent of official communication between the State and other States and the United States. He gives a bond of \$100,000 as security for the faithful performance of his duties. His salary is \$3500 per annum.

58. The Auditor of Public Accounts examines the condition of the State treasury; he examines and settles all accounts between the Commonwealth and other parties; all bills against the State that he finds to be correct he adjusts by giving the party to whom the amount is due, an order on the State treasurer for the amount of the bill. This order is called the auditor's warrant. He has the power to compel the attendance of all persons having accounts against the State, to cause them to produce their books and papers, to examine them under oath and to commit to prison any one who refuses to appear, to produce his books or to testify. He gives a bond for \$50,000. His salary is \$3500 per annum.

59. The State Treasurer receives and has charge of all money, not otherwise provided for, belonging to the State, and pays it out as required by the auditor's warrants; immediately after paying a warrant he cancels it; he is required to have a settlement with the auditor once in each month; he is required to give a bond in the sum of \$500,000, which the governor may at any time increase

if he thinks it necessary. No person may be chosen as State treasurer for two successive terms. His salary is \$3500 per annum.

60. The Superintendent of Public Instruction has in charge the interests of the public school system of the State. It is his duty to consult with and advise county superintendents in matters relating to the discharge of their duties; to decide appeals from decisions of county superintendents; to pay promptly to the proper parties any of the school fund that may come into his hands; and to promote the uniform and effective operation of the school laws of the State; when required he explains matters connected with the school law, the duties of school-officers, the rights and duties of parents, guardians, teachers and pupils; he makes a biennial report to the governor of the condition and requirements of the public schools, suggesting what changes and improvements are desirable. He gives a bond for \$25,000. His salary is \$3500 per annum.

61. The Attorney-General is the legal adviser of the governor and of the heads of departments in all matters of law relating to their departments; if required, he advises the General Assembly as to the constitutionality of any bill; he is the attorney of the Commonwealth, he prosecutes its claims against other parties, and defends it in suits at law brought against it. He gives a bond for \$5000. His salary is \$3500 per annum.

62. Various State Boards connected with the executive department have been created by the General Assembly from time to time, when required by the increase in population of the State, or as its interests and industries increased and became more diversified. All the executive officers and boards of the State are required to report to the governor, at stated times, the condition and operations of their respective departments. From these reports the governor obtains the information which he presents to the General Assembly in his messages.

The various boards and officers connected with the executive department are as follows :

1. **The State Board of Equalization** is composed of the state auditor and one member from each congressional district, chosen by the electors to serve for four years. It is the duty of the board to equalize and to make uniform the assessment of taxes in the different counties throughout the State.

2. **The State Board of Agriculture** is composed of one member from each of the congressional districts, elected to serve for two years by a convention of delegates from the county agricultural societies. In any county in which there is no agricultural society, the county board may send delegates. The board has charge of the State department of agriculture and the management of the State agricultural fair.

3. **The State Board of Horticulture** is composed of the president and vice-president of the northern, the central and the southern district horticultural societies. It has control of the State fund for the promotion of gardening and tree-culture in the State.

4. **The State Board of Health** consists of seven persons appointed by the governor. It is the duty of this board to enforce such measures as will prevent infectious and contagious diseases from becoming epidemic; to suggest and recommend the best methods of preventing disease and to grant licenses to physicians to practise medicine.

5. **The State Board of Public Charities** consists of five members, appointed by the governor, to serve for five years. It is the duty of this board to visit and inspect, at least twice in each year, each charitable and correctional institution maintained or assisted by the State, and to see that they are properly managed.

6. **The State Board of Railway and Warehouse Commissioners** consist of three members appointed by the governor, to serve for two years. It is the duty of this board to examine into the condition of public warehouses and railroads and to see that they are conducted and managed in accordance with the laws. Each commissioner gives a bond of \$20,000 and receives a salary of \$3500 per annum.

7. **The Board of Commissioners of State Contracts** consists of the secretary of state, the State auditor, the State treasurer, and the attorney-general. It is the duty of this board to make contracts for the supply of stationery, fuel and other articles needed in the different departments, and for all printing needed by

the State. The governor appoints an expert and experienced printer to assist them.

8. **The State Board of Canal Commissioners** is composed of three members appointed by the governor, to serve for two years. This board has general control over the Illinois and Michigan Canal, and of the improvements in the navigation of the Illinois and the Little Wabash rivers. The bond of a member is \$25,000, and of the treasurer of the board \$50,000. Each commissioner receives five dollars for each day employed in the duties of the office.

9. **The State Bureau of Labor Statistics** is composed of five members appointed by the governor, to serve for two years. Three of the members of the bureau must be manual laborers, and the other two must be employers of productive labor. The necessary expenses of the bureau are paid by the State, and the members are paid five dollars per day for thirty days.

10. **The State Board of Fish Commissioners** is composed of three members appointed by the governor, to serve for three years. It is their duty to take such action as will increase and protect the supply of fish for food, and for this purpose the board is empowered to employ a skilled fish-culturist. The expenses of the board are limited to \$300 per annum.

11. **The State Board of Live-stock Commissioners** consists of three practical stock-breeders, appointed by the governor, to serve for three years. It is the duty of this board to investigate all cases of contagious or infectious disease among domestic animals; it may quarantine or order diseased animals to be killed, and it recommends what damages should be paid the owners of the cattle that it orders to be destroyed. The expenses of the board are paid by the State, and the members receive five dollars per day for each day employed in the duties of the office.

12. **The State Board of Inspectors of Coal Mines** is composed of five members, appointed by the governor, to serve for one year. The members of this board devote all their time to the inspection of coal mines with the view of securing the safety of the miners. Each member receives a salary of \$1800 per annum.

13. **The Commission of Claims** consists of three members, learned in the law, appointed by the governor from two different political parties, to serve for four years. This board acts as a court to hear and decide on claims against the State. Each member receives fifteen dollars per day for each day employed in the duties of the office, not exceeding ninety days in each year.

14. **The State Board of Dental Examiners** consists of five members, appointed by the governor to serve for five years. The board examines persons who desire to practise dentistry and grants licenses to those found qualified. The expenses of the board are paid by the State, and each member receives five dollars per day for each day employed in the duties of the office.

15. **The State Board of Pharmacy** consists of five members, appointed by the governor, to serve for five years. Each member of the board is required to have had ten years' experience in preparing medical prescriptions. The board examines persons desiring to practise pharmacy and grants certificates to those found qualified. The expenses of the board are paid by the State, and each member receives five dollars per day for each day employed in the duties of the office.

16. **The State Board of Returns of Elections** is composed of the secretary of state, the State auditor, the State treasurer and the attorney-general. It is the duty of this board within twenty days after every general election,¹ in the presence of the governor, to examine the returns made by the county clerks and declare the results of said election.

17. **The Chief Grain Inspector** is appointed by the governor. It is his duty to inspect grain stored in warehouses. He nominates and the board of railway and warehouse commissioners appoints his assistants. His bond is \$50,000. His salary and that of his assistants is fixed by the commissioners.

18. **The State Weigh-Master** is appointed by the board of railway and warehouse commissioners. This officer or his assistants weigh the grain whenever there is an inspection of grain, and inspect and verify the scales which are used in weighing grain. The salary of the weigh-master and his assistants is fixed by the commissioners.

19. **The Factory Inspector** is appointed by the governor. It is the duty of this officer and his assistants to visit and inspect factories and shops, to see that minors between fourteen and sixteen years of age are allowed to work therein only under certain conditions, and to see that no females are employed therein more than eight hours in any one day or more than forty-eight hours in any one week.

20. **The State Veterinarian** is appointed by the governor.

¹ A general election is one in which National, State, district, or county officers are chosen.

He acts under the direction of the live-stock commissioners, and with the consent of the commission may appoint such assistants as he may require. His travelling expenses are paid by the State and he receives eight dollars for each day employed in the duties of his office.

21. **The State Superintendent of Banks** is appointed by the governor, to serve for four years. It is his duty to exercise supervision over the savings banks in the State. He receives an annual report from the trustees of each savings bank, and he is required to examine into the condition of each savings bank at least once in every two years. Before Feb. 1 of each year in which the General Assembly meets, he is required to report to the Assembly the condition of the savings banks in the State.

22. **The State Superintendent of Insurance** is appointed by the governor, to serve for four years. He has general supervision over the insurance companies that transact business in the State. His salary is \$3500 per annum.

23. **The State Library** is intended for the use of the State officers. The secretary of state is the librarian; the control of the library is vested in a board of commissioners, consisting of the governor, the secretary of state and the State superintendent of public instruction. The same officials are also trustees of the State historical library and the museum of natural history.

24. **The State Geologist** is appointed by the trustees of the State historical library and the museum of natural history as their superintendent. It is his duty to make geological surveys of the State and to collect geological specimens. His salary is \$2000 per annum.

25. **The State Entomologist** is appointed by the governor, to serve for two years. It is his duty to make a special study of the insects injurious to vegetation, and to ascertain the most effectual method of exterminating them.

26. **For the Prevention of Cruelty to Animals** three officers are appointed by the governor; one for East St. Louis, one for Peoria and one for Lake township near Chicago; it is their duty to see that the cattle and live-stock brought to the stock-yards are properly cared for.

27. **Notaries Public.**—The governor may appoint as many notaries public as he thinks necessary, to serve for four years, provided that each appointment must be asked for by not less than fifty electors of the city, town or precinct for which the notary is appointed. A notary is empowered to administer oaths, attest sig-

natures and to take depositions and acknowledgments of documents, which shall be received as legal evidence.

28. Commissioners of Deeds may be appointed by the governor. These commissioners are citizens of other States, territories or foreign countries; they are empowered to take depositions, acknowledgments of deeds and other documents which shall be legal in Illinois.

29. A Public Administrator for each county in the State may be appointed by the governor. It is the duty of this officer to administer and settle the estates of deceased persons that have no other administrator.

30. The Board of Trustees of the Lincoln Homestead consists of the governor, the secretary of state, the State auditor, the State treasurer, and the superintendent of public instruction. Free access to the homestead is granted to the public.

31. The Board of Penitentiary Commissioners are two boards, each having three members, appointed by the governor to serve for six years. One board has supervision and care of the State prison at Joliet, appoints the warden, physician, chaplain, and other officers; the other board exercises the same duties in connection with the State prison at Chester. Each commissioner gives a bond of \$25,000 and receives a salary of \$1500 per annum.

32. The Adjutant General is appointed by the governor. He is the chief of the governor's military staff and is his chief military executive officer. He issues all the orders of the governor to the National Guard, and is the medium of communication between the National Guard and the governor.¹

33. The National Guard of the State.—Every male citizen of the State between eighteen and forty-five years of age, if not exempted by law,² belongs to the militia of the State. The *organized* militia constitutes the National Guard of the State.

¹ In the appointment of officers and boards by the governor, the advice and consent of the Senate is required, excepting for the adjutant-general, the commissioners of deeds, and the expert printer.

² See *Art. XII.*

THE JUDICIAL DEPARTMENT.

63. The Judicial Power of the State is vested in a supreme court, and in lower courts known as appellate courts, circuit courts, county courts, courts of justices of the peace, and police magistrates' courts.¹

64. The Justices' Courts have jurisdiction² in civil cases in which the amount involved does not exceed \$200, in minor criminal cases such as misdemeanor, assault and battery, etc. The justice of the peace has authority to release on bail, or to commit to jail to await trial by a higher court, any person accused of having committed a serious crime.

Police Magistrates' Courts are established in cities. The police magistrate has jurisdiction in all cases of violation of city laws and ordinances, and he has also the jurisdiction of a justice of the peace.

65. The County Courts have *original* jurisdiction in all matters connected with the settlement of the estates of deceased persons; in the appointment of guardians for minors; of persons called conservators, to care for the interests of those who are mentally incapable of caring for themselves and in matters relating to apprentices.

The county courts have *appellate* jurisdiction in cases

¹ See *Art. VI. Sect. 1.* For the courts of Cook county, see *Art. VI. Sect. 23.*

² By the jurisdiction of a court is meant its authority to hear and decide cases brought before it; the jurisdiction of a court may be either original, appellate, exclusive or concurrent.

By the *original* jurisdiction of a court is meant its authority to hear and decide cases which originate or are first brought to trial in that court. By the *appellate* jurisdiction of a court is meant its authority to hear and decide cases that have been previously tried in a lower court, and which have been appealed to a higher court for further trial.

If the law provides that certain classes of lawsuits may be begun only in a certain court, then that court has *exclusive* jurisdiction in such cases; if the suits may be begun in any one of two or more courts, then those courts have *concurrent* jurisdiction.

appealed from the courts of justices of the peace, or magistrates.

The county courts have *exclusive* jurisdiction in all cases connected with the sale of real estate for the purpose of collecting the taxes due thereon.

The county courts have *concurrent* jurisdiction with the justices' courts both in civil and criminal cases, and with the circuit courts in civil cases in which the amount involved does not exceed \$1000, and in criminal cases of a lower grade than felony.¹

Probate Courts.—In counties having a population of over 50,000 a probate court may be established and the matters over which the county court exercised original jurisdiction are then transferred to the probate court.²

66. The Circuit Courts.—For the administration of justice, the State is divided into fourteen circuits. In each of these circuits the electors choose three judges to serve for six years. Two or more terms of the circuit court are held each year in each county by two of the judges.³ The sheriff of the county in which the court is held executes the decrees of the court.⁴ The clerk of the circuit court is chosen by the electors of the county.

The jurisdiction of the circuit court is both *original* and *appellate*. It has original jurisdiction in such civil and criminal cases as may be first brought to trial before it,⁵

¹ A felony is a crime the punishment for which is death or imprisonment in the State penitentiary.

² See *Art. VI. Sects. 18, 20.*

³ The third judge serves in the appellate court. The judges hold court in each county of the circuit, passing from one county to another. This is the origin of the phrase "travelling the circuit."

⁴ See ¶ 82, page 53.

⁵ Criminal cases are brought before the circuit court for trial by action of the *grand jury*, which is a body of twenty-three electors selected by the county board. The grand jury hears the charges made against any person accused of crime and if the twelve or more grand jurors

and appellate jurisdiction in cases brought before it by appeal from the justices', the magistrates', and the county courts.

No person is eligible to the office of judge of the circuit, the county, the magistrates', or the justices' court, unless he is at least twenty-five years of age, a citizen of the United States, has resided in the State for at least five years immediately preceding his election, and is an elector of the circuit, county, city, town, or township in which he shall be elected. The salary of the judges of the circuit courts is \$3500 per annum, except for the judges in Cook county, who receive \$7000 per annum.¹

67. The Supreme Court consists of seven judges chosen by the electors of the State, to serve for nine years. They elect one of their number as chief justice. For the election of the judges of the supreme court, the State is divided into seven districts. For the purpose of holding court, the State is divided into a southern, a central, and a northern grand division. In the southern grand division the court is held in Mount Vernon, in the central grand division it is held in Springfield, and in the northern

believe that the evidence is sufficient to convict they prepare a written charge or *indictment* against the accused person, who is then brought before the court for trial by the *petit jury*, which consists of twelve electors selected by lot from a list furnished by the county board. The commission of a crime affects not only the person injured, but is an offence against, and a violation of, the laws of the State. When a person accused of crime is brought before the court for trial, the charge against him is made in the name and by the authority of the people of the State; the attorney who prosecutes the charge, although a county officer, is known as the State's attorney. The accused person is entitled to have the services of a lawyer to defend him against the charge. When the jury has heard the evidence on both sides, the judge explains the law and the jury decide upon the verdict. The verdict of the *petit jury* must be unanimous. If the accused is found guilty the judge pronounces the sentence according to the requirements of the law.

¹ See *Art. VI. Sects. 12 to 17 inclusive.*

grand division it is held in Ottawa. In each of the grand divisions a clerk of the court is chosen by the electors to serve for six years. The sheriff of the county in which the court meets is the executive officer of the court.

The jurisdiction of the supreme court is both *original* and *appellate*. Its original jurisdiction is exercised in cases relating to the revenue of the State; in cases commanding a person or a lower court to perform or not to perform some specified act; and in cases in which persons confined or imprisoned, petition the court to decide whether their imprisonment is lawful. Its appellate jurisdiction is exercised in all cases that have been previously tried by a lower court, and which, as provided by law, have been appealed to the supreme court for a final decision. It has appellate jurisdiction in all criminal cases, and in all civil cases in which the amount in dispute is more than one thousand dollars. Most of the cases tried by the supreme court are appellate and have been previously tried by a lower court. When a case is appealed from a lower court to the supreme court, the evidence submitted in the lower court and the record of the case, printed in pamphlet form, are presented to the supreme court, which examines the evidence and hears the arguments of counsel. No new evidence is admitted, and there is no jury. The opinions of a majority of the justices form the opinion or decision of the court, which is final unless the case involves the Constitution or laws of the United States, when it may be appealed to one of the inferior courts of the United States, and possibly by successive appeals it may reach the supreme court of the United States. The reporter of the supreme court, who is appointed by the judges, compiles the decisions of the court and superintends their publication. These volumes constitute the Supreme Court Reports, and are the precedents for subsequent decisions by both the supreme court and the lower

courts. The salary of the judges of the supreme court is \$5000 per annum.¹

68. Appellate Courts.—In order to relieve the supreme court of some of its duties, the General Assembly under the authority of the Constitution has created four appellate court districts in the State.² The judges of the supreme court select certain judges of the circuit courts to act as appellate judges.³ The electors in each of the four appellate districts choose a clerk of the appellate court to serve for six years. The sheriff of the county in which the court is held executes the decrees of the court. Cases may be appealed to this court from the lower courts, as provided by law.⁴

¹ See *Art. VI. Sects. 1 to 10 inclusive.*

² The northern grand division of the supreme court forms the first and second appellate districts, the central grand division is the third, and the southern grand division is the fourth.

³ The electors choose three judges in each circuit. One of the judges from each circuit is selected by the judges of the supreme court to serve as a judge in the appellate court, the other two serve as judges in the circuit court.

⁴ See *Art. VI. Sect. 11.*

THE REVENUE OF THE STATE.

69. The Revenue of the State required to defray the expenses of the State government is derived from taxation on all taxable property in the State, from fees received for granting charters, from licenses, fines, and penalties, from the sale of land belonging to the State, from escheats,¹ and from various other sources.

70. The Illinois Central Railroad furnishes in constantly increasing amounts a large portion of the revenue of the State, and it has exercised a powerful influence in developing the wealth of the people of the State.

In 1850, through the influence of Senator Douglas, Congress enacted a law, giving to the State of Illinois the right of way through the public lands for a railway, extending from Cairo to the southern end of the Illinois and Michigan Canal, and thence to extend one branch to Chicago and another to Galena. The United States also gave to the State every alternate section, for six sections in width, on each side of the road and of its branches, to aid in the construction of the road. This road was to be completed in ten years. The State legislature immediately granted this land to the Illinois Central Railway Company, on condition that seven per cent. of the gross earnings of the road should be semi-annually paid into the State treasury. This railway brought about a rapid settlement of the State, and the semi-annual income paid by the railway to the State has made our State taxes comparatively light. This amount for the years 1855-1890 inclusive, amounted to more than \$12,000,000; while for the single year 1890 it was \$486,281. The Constitution of Illinois provides that no authority shall ever release the Central Railway from this obligation.

¹ **Escheats.**—If a citizen of a State dies leaving property, but having no heirs and not having made a will, the State becomes the heir, and the property escheats to the State—that is, it becomes the property of the State.

THE COUNTY.

71. The County.—Illinois is divided into one hundred and two counties, each of which has a county seat in which the sessions of the county courts are held, the county offices located, and the records of the county kept.

72. The Officers of the County are the county board of supervisors, or the county board of commissioners,¹ the judge of the county court, the county clerk, the clerk of the circuit court, the recorder of deeds, the State's attorney, the county treasurer, the sheriff, the coroner, the county surveyor, and the county superintendent of schools, all of whom, except the members of the county board, are chosen by the electors of the county to serve for four years. All the county officers must be electors of the county, and they continue in office until their successors are elected and qualified. The salaries of the county officers are usually determined by the county board. All officers who have the care or handling of any of the county's money are required to give bonds satisfactory to the county board, for its security and safe-keeping.

73. The Government of the County, like that of the State, is tripartite in form. The legislative power is vested in the county board, the judicial power is vested in the courts, and the executive power in the other officers of the county and in the committees appointed by the county board.²

74. Two Forms of County Government exist in Illinois. In counties that have adopted township organization, the legislative power is vested in the county board of

¹ It is usual to speak of either of these boards as "the county board."

² For the government of Cook county, see *Art. X. Sect. 7.*

supervisors.¹ In counties that have not adopted township organization, the legislative power is vested in the county board of commissioners.

75. The County Board of Supervisors.—In each town in a county that has adopted township organization, a town supervisor is chosen annually by the electors.² The supervisors and assistant supervisors from all the towns in the county compose the county board, which holds two regular meetings in each year, one on the second Monday in July, the other on the second Tuesday in September. Special meetings may be held whenever required by one-third of the members of the board. These meetings are held in the court-house of the county. The board elects one of its number to serve as chairman and the county clerk is secretary of the board. The chairman appoints committees to whom the various matters of business are referred. The work of the board is performed by these committees, subject to the approval of the board. In order that the people may know what business is being transacted by the board, the meetings are always public and provision is made for publishing the proceedings. The board has the management of the county's money and the control of all public buildings and other property belonging to the county; it determines the amount of money necessary for carrying on the government of the county and levies the taxes necessary to provide the money;³ it audits all bills and claims against

¹ Eighty-two counties have adopted the township form of organization.

² If the population of the town exceeds 4000, an assistant supervisor is chosen for each additional 2500 citizens.

³ The tax for county purposes may not exceed seventy-five cents on each one hundred dollars of valuation. If the county was in debt when the present Constitution was adopted, the board may levy a tax of one dollar on each one hundred dollars of valuation, to provide the means for paying the principal and interest on the debt. Any higher

the county and orders them paid when approved; it provides suitable buildings, furniture, fuel, books, stationery, and other necessary articles for the county offices; it represents the county in all lawsuits in which the county is interested; it fixes the salaries of the officers and employés of the county; it examines and audits the accounts of the county treasurer; it prepares the jury-list by selecting the names of electors from the different towns in the county, and placing them in a jury-box, from which are drawn the names of the electors who serve as petit and grand jurors; it has authority to open, close, or change the location of roads, to build bridges, to grant licenses, and to offer rewards; it has the management of the poor-house and the care of the paupers; it acts as a board of equalization of taxes, to whom citizens of the county may appeal if they think their property has been assessed at more than its just value; it locates the places for holding elections and provides the ballot-boxes to be used in all elections; and it publishes a statement of the receipts and expenditures of the county.

76. The County Board of Commissioners.¹—In counties that have not adopted township organization the county board consists of three members, one of whom is chosen annually by the electors to serve for three years. The duties of the board of commissioners are mainly the same as those of the county board of supervisors in counties under township organization; in addition to which, much of the local government of the township is administered by the commissioners.²

77. The Judge of the County Court presides in the county court.³ The Constitution provides that the county

rate of taxation must be submitted to and approved by the electors before it can be levied.

¹ For the qualifications of commissioners, see *Art. VI. Sect. 17.*

² See ¶ 104 page 63.

³ See ¶ 65, page 42, and ¶ 66, page 44.

judge must be a citizen of the United States, at least twenty-five years of age, that he shall have resided in the State for at least five years immediately preceding his election, and that he shall be an elector of the county in which he may be elected.

78. The County Clerk and the Clerk of the Circuit Court.—The county clerk is the clerk of the county board. He keeps a record of all its proceedings and of the orders drawn by it on the county treasurer for the payment of money; the bonds of the county officers are kept in his office; he keeps an index of all documents kept in his office so that they may be readily referred to; he issues marriage licenses; after he has received from the proper officers a statement of the amount of taxes to be raised in the county for State, county, township, and town purposes, he computes the amount of tax to be paid by each citizen of the county and provides the tax-collectors with books showing these amounts. At least thirty days before any general election,¹ or at least twenty days before any special election, he is required to give notice of such election to the proper officers;² he provides the ballots, poll-books, and necessary blanks to be used in general elections, and sends them to the judges of elections in each election district of the county; with the assistance of two justices of the peace he examines the returns made by the clerks of elections, and makes abstracts of the result; these abstracts are preserved in his office as part of the county records; he sends a copy of the abstracts to

¹ See note, page 39.

² The county clerk delivers to the supervisors in each township, or to the sheriff, if the county is not under township organization, three copies of the notice for each precinct or district in which the election is to be held, stating the date of the election and what offices are to be filled. These notices are posted in three of the most public places in the district or precinct.

the secretary of state;¹ he furnishes certificates of election to the persons elected to county offices; he is *ex-officio* the clerk of the county court.

As clerk of the county court his duties and those of the clerk of the circuit court are similar. They are required to attend the sessions of their respective courts and to make a record of their proceedings; they issue subpoenas or notices calling into court such persons as the judges may direct to be present; they call jurors and witnesses before the court and administer the oath to them, and they perform such other duties as may be necessary.

79. The Recorder of Deeds.—In most of the counties of the State the clerk of the circuit court is *ex-officio* the recorder of deeds.² This officer has charge of the books in which are recorded all transfers of real estate. The people are constantly buying and selling land, executing deeds and mortgages, and making contracts of various kinds. All deeds, mortgages, and many other papers are by law required to be recorded in the office of the recorder of deeds. So important is the accuracy and exactness of the record, that the law requires the recorder to endorse on every document recorded in his office, the date, the hour and the minute of its entry on his record, and also the number and page of the book in which the record is made.

80. The State's Attorney prosecutes all persons accused of crime who are brought before the court for trial; he acts as attorney for the county in all cases in which it is a party; he advises the county officers on all matters of law connected with their departments, and in general acts for the county in all cases in which its legal interests are concerned. The duties of the State's attorney are such that one "learned in the law," that is, a lawyer, must necessarily be chosen for this office.

¹ When an election is held for State officers, the abstract is directed to the Speaker of the House of Representatives. See *Art. V. Sect. 4.*

² See *Art. X. Sect. 8.*

81. The County Treasurer receives and disburses the money of the county that comes into his hands; he is required to keep his books open for inspection and to report his receipts and expenditures at each regular meeting of the county board. No person may be elected county treasurer for two successive terms.¹

82. The Sheriff attends at all sessions of the county and circuit court; he opens and adjourns the court and preserves order; he serves the notices on persons to appear in court that are summoned by the court, and notifies witnesses that are subpœnaed; he executes all the orders and decrees of the court in both civil and criminal cases; he seizes and sells the property of debtors against whom judgments have been issued; he has the care of the county jail and is responsible for the safe-keeping of the prisoners. He may appoint as many deputies as may be necessary, and he is responsible for their official acts. He is responsible for and is required to maintain the peace of the county. If he sees a person violating a law he may arrest him without a warrant and take him before a judicial officer for trial and punishment. In case of a riot he may summon the *posse comitatus*, that is, the citizens of the county, to assist him; if this aid is not sufficient, he may call upon the governor of the State; if the State is unable to subdue the riot, the governor may call upon the President, who shall in that case employ the armed forces of the United States for the maintenance of the laws of the State. No person may be elected sheriff for two successive terms.²

¹ In counties not under township organization, the county treasurer is *ex-officio* the county assessor of taxes and the sheriff is *ex-officio* the collector of taxes.

² The decrees of a court, if to be executed in another county, are executed by the sheriff of that county; if to be executed in another State, they are executed with the approval and direction of the governor of that State, through a sheriff in that State.

83. The Coroner.—The principal duty of the coroner is to hold an inquest over the body of any person who has died by accident or violence, or the cause of whose death is not apparent. He summons a “coroner’s jury,” which consists of any six electors that he may select. The jury investigates the cause of the person’s death. If the jury finds that a crime has been committed, and names the person whom they believe to have committed it, the coroner commits the accused person to jail to await trial by the circuit court. In case of the death of the sheriff or of his inability to perform the duties of his office, the coroner acts as sheriff.

84. The County Surveyor is elected to secure accuracy and skill in the construction of roads and bridges and in the survey of land. His knowledge tends to bring all engineering work done for the county to a desirable uniformity and economy. He prepares maps of the county, makes plans of surveys, and frequently serves the cause of justice by surveying disputed claims.

85. The County Superintendent of Schools. It is the duty of the county superintendent of schools to exercise supervision of the public schools of the county and to promote their interests; at least once in every three months he holds examinations of persons desiring to become teachers in the public schools, and grants certificates to those found competent; he conducts annually a “Teachers’ Institute,” which must continue at least five days; he assists and encourages the formation of teachers’ associations, and he is required to visit each public school in the county at least once in every year. Matters of dispute between school directors and others in relation to school affairs are frequently referred to the county superintendent for adjustment, but an appeal may be taken from his decision to the State superintendent of public instruction.

The county superintendent receives from the State treasurer the county’s share of the school fund and ap-

portions it to the townships on the basis of their respective school population;¹ he examines the bonds of township treasurers, and if approved by him, he pays to them any money due the respective townships that may come into his hands for school purposes; he examines the ac-

¹ **The School Fund** of the State is derived from various sources. The enabling Act for the admission of Illinois as a State provided that the proceeds of the sale of public lands, due to Illinois, should be expended in making roads leading to the State. By the influence of Judge Nathaniel Pope, delegate in Congress from Illinois, this provision was changed to provide that three per cent. of the amount should be devoted to the encouragement of learning, of which amount one-sixth was to be used for the purposes of a college or university. The Act granted Section 16 of each township "for the use of the inhabitants of such township for the use of schools," and it also granted two entire townships for the use of a seminary of learning. The entire value of the lands contained in Section 16 of each township is estimated at about \$11,000,000, of which the land yet unsold is estimated to be worth about \$4,625,000.

In 1835 the General Assembly created a county school fund of \$162,000, the income from which is added to the school fund.

In 1836 Congress divided the money which had accumulated in the national treasury among the States, according to their population. The share of Illinois, amounting to about \$335,000 and known as the surplus revenue, was added to the school fund. This amount was technically called a loan to the State, but practically it was a gift, as there is little probability that its repayment will ever be demanded.

The permanent school fund amounts to nearly \$12,000,000. The whole amount is loaned to the State, and for its use the State pays an annual interest of about \$635,000. The interest on the college and seminary fund is divided equally between the Normal University at Normal and the Southern Normal University at Carbondale; the remainder is divided among the counties according to their school population. In addition to the interest on the permanent school fund paid by the State, the General Assembly makes liberal appropriations for the support of schools. The State auditor sends to each county superintendent a warrant for the amount of the school fund due to his county. This amount is divided by the superintendent among the townships, according to the number of persons under twenty-one years of age.

counts of the township treasurers and reports any irregularity in these accounts to the township trustees; he conducts the sales of school lands in the county; he is required to present annually to the county board a detailed statement of the school funds that have been received and disbursed by him; he reports to the State superintendent the condition of the schools of the county. He receives a salary of four dollars per day for each day employed in the duties of the office, and one dollar per day additional for expenses while visiting schools; he receives also two per cent. of all school money which passes through his hands and three per cent. of the amount received from sales of school lands in the county.¹

The size of the county is determined by the General Assembly when the county is formed, provided that no county may be formed having an area of less than four hundred square miles;² usually in a county of this size a citizen may leave his home, attend to any business he may have at the county-seat, and return the same day. As the facilities for travel improve, the interests of the people of a county become closely identified and lead them to assemble at county fairs and other county meetings and give cause for a proper county pride.

The division of the State into counties, and our system of county government, had their origin in similar features that existed in England long before the Norman Conquest; but the officers of the county, or shire, as it was then called, were not chosen by the people; they were appointed by the king or by a representative of the king.

The early colonists of this country brought with them

¹ When necessary the county superintendent, with the approval of the county board, may appoint one or more assistant county superintendents.

² See *Art. X. Sect. 1.*

from England the forms and customs with which they were familiar. England, before the Norman Conquest, was divided into shires, a shire being a share or part of the whole country. The executive officer in the shire was the *shire-reeve*, the predecessor of our sheriff; the power of the sheriff to call the *posse comitatus* to his aid may readily be traced to the old "hue and cry." When the Normans conquered England they changed the name of shire to county. In early English literature we may read of the "crowner," an officer appointed by the Crown, who has his successor in the coroner of to-day.

THE TOWN.

86. The Town.—The New England method of local government in which the town is the unit, and the Virginia method in which the county is the unit, are both to be found in Illinois. It may, indeed, be said that the problem is being worked out in this State as to which of the two methods gives to the people the best form of local government.

The original divisions of the county were the congressional townships.¹ The school law of the State provides that each congressional township shall be a school township. When township organization is adopted, the school township becomes a town in all respects except in regard to school affairs, so that a town has two organizations, that of the town and that of the school township. The boundaries of the town and of the school township are usually, but not always, the same. Local government in the town is carried on by means of the town meeting and by officers chosen in each town by the electors.

87. The Government of the Town, like that of the State and the county, is threefold in its form. The judicial power is vested in the justice of the peace, the executive power in the other town officers, and the legislative power is exercised by the electors themselves assembled in town meeting. The town meeting is an example of a pure democracy, as distinguished from a representative democracy.

88. The Officers of the Town are the supervisor,²

¹ The congressional township was created by the government survey; it is not a political division of the county and has no connection with local government; it is simply a tract of land six miles square, instituted to form a convenient method of describing and locating land.

² An assistant supervisor is chosen if the township has a population of over 4000, and one for every additional 2500. His only duty in the

the town clerk, the assessor of taxes, the tax-collector, three highway commissioners, the justices of the peace, and the constables, all of whom are chosen by the electors at the town meeting. In addition to these officers there is a pound-master, who sometimes is chosen by the electors and sometimes appointed by the board of appointment; a commissioner of Canada thistles, who is appointed by the board of auditors; and overseers of highways, who are appointed by the highway commissioners. All of the town officers who receive or have charge of the town's money are required to give a bond for its security and safe-keeping.

89. The Town Meeting is held on the first Tuesday in April. At this meeting the town officers are chosen by the electors, voting by ballot. Several hours of the day are devoted to hearing the reports of the officers for the preceding year; deciding the amount of money to be raised by taxation to provide for the expenses of the town, such as constructing and repairing roads and bridges, the support of schools, providing for the poor, etc., and in legislating for the general interests of the town. The voting on these matters usually is *viva voce*, that is, those favoring any motion say *Yes*, and those opposing say *No*.

When the voting for officers is over, the votes are counted by the chairman of the meeting, the supervisor, the assessor and the tax-collector, and the names of those who have been elected are announced.¹

90. The Supervisor is chosen to serve for one year; he represents the town in any lawsuits in which it is inter-

town is to serve as a member of the town board of health, but as a member of the county board he has the same power as a supervisor.

¹**Special Town Meetings** must be called if the supervisor, town clerk and justice of the peace, or any two of these officers, with at least fifteen other electors, file with the clerk a statement that a special town meeting is necessary.

ested ; he provides for the poor of the town who apply to him for help ; he is treasurer of the town's money,¹ excepting the money used for school purposes and for highways and bridges ; he is required to make a report to the auditors, on the day of the annual town meeting, of all money received and paid out by him ; he posts the notices of all elections in three of the most public places in each voting precinct or division of the town.

91. The Town Clerk is elected to serve for one year. He gives notice of all town meetings and makes a record of their proceedings ; he provides the ballots to be used in elections for town officers ; he is clerk of the board of health, of the highway commissioners, and a member and clerk of the board of auditors ; on or before the second Tuesday of August he sends to the county clerk a statement of the amount of money that will be needed during the following year for the town's expenses, which is to be raised by taxation.

92. The Assessor of Taxes is chosen to serve for one year. It is his duty to make a just valuation of the property of every citizen and send a statement of this valuation to the county clerk.

93. The Tax-Collector is chosen to serve for one year. It is his duty to collect the taxes which have been assessed and pay them over to those authorized to receive them.² The amount collected for road-tax he pays to the highway commissioners, the school-tax is paid to the treasurer of the school fund and the remainder is paid to the supervisor.

94. The Highway Commissioners are chosen to serve for three years, one commissioner being chosen annually. They elect one of their number treasurer, who receives all money collected for road purposes and for bridges, and

¹ All officers who have charge of any of the town's money are required to give a bond for its safe-keeping and security.

² The same person is usually elected to serve as assessor and collector, except in towns having a large population.

pays it out on the order of the other two commissioners; the highway commissioners may locate, build, repair, change and vacate roads, build and repair bridges, erect guide-posts, and provide watering-places; they are empowered to levy and collect a road-tax; they divide the town into road districts and appoint overseers for the districts; they are required to report annually to the board of auditors their receipts and expenditures and a statement of the work that has been done.

95. The Justices of the Peace are chosen to serve for four years. If the population of the town is less than 2000, two justices are chosen; an additional justice is chosen for each 1000 of population until five justices have been elected. The humblest court in the land, the court upon which all other courts are founded, and the court of greatest antiquity, is the justice's court. The justices have jurisdiction in civil cases in which the amount does not exceed \$200, and in minor criminal cases such as misdemeanors,¹ assault, assault and battery,² etc.; in more serious cases he sends the case to a higher court, and releases the accused person on his giving bail or security to appear in court when summoned for trial. If the accused cannot give bail satisfactory to the justice, and in cases which are notailable, such as murder, the accused is sent to jail, where he remains until his case is tried in court, unless he is released by a judge of the court through a writ of *habeas corpus*.³

The justice of the peace is authorized to administer

¹ A misdemeanor is an offence punishable by fine or short imprisonment.

² An assault is an attempt to strike or injure a person. Assault and battery is an attempt that succeeds in striking or injuring a person.

³ A writ of *habeas corpus* is an order issued by a judge directing the sheriff to produce the accused person in court, that the cause of his imprisonment may be inquired into.

oaths or affirmations, to perform the marriage ceremony and to attest signatures, deeds and other documents.

In cases of sudden death requiring investigation by the coroner, the justice may perform the duties of the coroner if that officer cannot be present.

96. The Constables are chosen to serve for four years. If the population of the town is less than 2000, two constables are chosen; an additional constable is chosen for every additional 1000 of population until five constables have been elected. The constable holds an office of great antiquity. He is responsible for the peace of the community, and is empowered to arrest all persons whom he may find violating the laws or committing crime, and accused persons whose arrest has been legally ordered by a justice of the peace.¹ He serves all the writs and orders of the justice, and delivers at the county jail those persons committed thereto by the justice.

97. The Pound-Master has the charge of horses, cattle, and other animals found running at large, of which he keeps possession until the owners pay the pound-master's charges.

98. The Commissioner of Canada Thistles destroys all the Canada thistles which he may find, the purpose being to exterminate this weed.

99. The Overseers of Highways are appointed by the highway commissioners; one overseer is appointed for each road district in the town. Every citizen is obliged to pay taxes for the purpose of keeping the road in repair; he may pay it in money or he may pay it by working on the roads, usually at the rate of \$1.25 per day. This work is done under the supervision of the

¹ If he is unable to arrest an accused person or to subdue a riot, he may call upon the *posse comitatus*, that is, the citizens of the town, to help him. If their aid is not sufficient, he may call upon the county sheriff. See ¶ 82, page 53.

overseer, who is required to keep the roads in his district in good order.

100. The Board of Auditors, which consists of the justices, the supervisor and the town clerk, examine and audit all claims and bills against the town, and the books of the supervisor and highway commissioners.

101. The Board of Health consists of the supervisors, the town clerk and the assessor. It is the duty of this board to take such measures and enforce such regulations as will promote and protect the health of the community.

102. The Board of Equalization of Taxes consists of the supervisors, the town clerk and the assessor. It is the duty of this board to equalize the valuations of property as made by the assessor so that taxation may be just and uniform. If a citizen thinks that his property has been assessed in excess of its value he may appear before this board and appeal from the assessor's valuation.

103. The Board of Appointment consists of the justices, the supervisor and the town clerk. It is the duty of this board to fill vacancies that may happen in any of the town offices.

THE TOWNSHIP.

104. In counties which have not adopted township organization, the divisions of the county are known as townships. The only township officers chosen by the electors are the school trustees. The county board divides the county into election precincts, and in each precinct the electors choose the same number of justices and constables as are chosen in a town of equal population. The county treasurer is *ex-officio* the assessor of taxes, and the sheriff is *ex-officio* the tax-collector. The other matters of local government are administered by the county board.

The township is one of the oldest institutions in government; we can trace its history back to our Saxon ancestors in the wilds of Germany. Around the houses in a German village there was built for purposes of defence, a hedge or fence called a *tûn*, from which is derived our word *town*. The village with the surrounding country containing the fields and pastures of the townsmen, was called the *tun-scipe* or township. In these tun-scipes the heads of the families met together to make such regulations as their common interests required.

SCHOOL TRUSTEES, SCHOOL DIRECTORS AND BOARDS OF EDUCATION.

105. The School Trustees.—In each school township three school trustees are chosen by the electors to serve for three years, one trustee being elected annually on the second Saturday in April.¹ The trustees elect one of their own number to serve as president, and an elector who is neither a school trustee nor director, to serve for two years as treasurer, who also acts as clerk of the board. The trustees have control of the school fund of the township;² if a high school has been created in the township they have control of it; they divide the township into suitable and convenient school districts, and they apportion the school fund among the districts.

106. School Directors.—Each school district elects three school directors, one director being chosen annually on the

¹ When the town and the school township are identical, the trustee is elected at the annual town meeting.

² Each township has a permanent school fund created by the sale or rental of Section 16, donated by the Federal government. The income from this fund, together with the township's share of the State school fund, is apportioned by the trustees among the districts, according to the number of persons under twenty-one years of age. This amount together with the money raised by local taxation is used for the maintenance of the schools.

third Saturday in April.¹ The directors regulate the length and occurrence of the school term, the order of studies, and the selection of text-books; they employ and discharge teachers; they are authorized to levy a tax of not more than two per cent. on the assessed value of taxable property in the district for general school purposes, and a tax of not more than three per cent. for building purposes; they are required to enforce the provisions of the compulsory school law.²

107. Boards of Education.—In districts having a population of over 1000, the electors chose a board of education consisting of six members to serve for three years, and three members additional for each additional 10,000 of population. In cities having a population of more than 100,000 the board of education is appointed by the mayor with the approval of the city council. The duties and powers of boards of education in general are similar to those of school trustees and directors, but they are also empowered to examine teachers.

¹ In this State, women, when properly qualified, are eligible to vote for and to be elected as school officers.

² The compulsory school law provides that those persons having charge of children between eight and fourteen years of age, must see that they attend school not less than sixteen weeks in each year, twelve weeks of which must be consecutive; the penalty for violation of the law is a fine of not less than five nor more than twenty dollars.

CITIES AND VILLAGES.

108. The City.—Before the adoption of the present State constitution in 1870, cities obtained charters for their government from the General Assembly. These charters designated in what officers the government of the city should be vested, the manner of their election, and their duties, and defined the powers of the various departments of city government. If any city desired its powers enlarged or changed in any manner, it was necessary for it to apply to the legislature to amend its charter. These changes were so frequent, and caused such confusion, that when the present constitution was adopted it provided that the legislature should not pass any local or special laws for “incorporating cities, towns or villages, or changing or amending the charter of any town, village or city.”¹ All cities, therefore, that have been chartered since 1870 have been incorporated under the general law of the State, which provides the same form of charter for all cities of a certain population.

Some of the cities which had been incorporated under special charters gave them up and reorganized under the general law; a few cities, however, retained their old special charters. The government of a city herein described relates to the government under the general law.

109. The Council.—The legislative department of a city is vested in the council. Each city, for convenience, is divided into wards. Each ward elects two aldermen to serve for two years, one being chosen annually on the third Tuesday of April.² The aldermen from all the different wards, together with the mayor of the city, compose the council. It is the duty of the council to take

¹ See *Art. IV. Sect. 22.*

² If the boundaries of the city and the town are the same, the alderman is elected at the regular town election.

such action and enact such local laws as will promote the general welfare of the people of the city. The subjects usually considered are the care of the streets, the water supply, police regulations, the fire department, lighting the streets, granting licenses, the public health, levying the taxes, appropriating money for the support of the various departments, etc. Appointments made by the mayor are subject to the approval of the council. The aldermen are paid a salary of not over three dollars for each meeting.

110. The Mayor is the chief executive officer of the city. He is chosen by the electors to serve for two years. He presides over the meetings of council, but has no vote except when the council is equally divided on a question. Once in each year he presents a message to the council concerning the condition of the city and recommends such measures as he deems necessary and expedient. He appoints certain city officers, subject to the approval of the council. All bills passed by the council that he approves he signs and they are then laws. Should he disapprove of any bill passed by the council, he vetoes it, that is he returns it to the council without his approval, in which case it must be re-passed by a two-thirds vote before it can become a law. It is the duty of the mayor to see that the laws of the city are properly enforced, and he is responsible for the good order of the city.

111. The City Clerk is chosen by the electors to serve for two years. He makes a record of the proceedings of the council, and performs such other duties as may be required of him. He has charge of the seal and of the records and documents of the city.

112. The City Treasurer is chosen by the electors to serve for two years. He has the care of the city's money.

113. Other City Officers.—The council, by a vote of two-thirds of the whole number, may provide for a superintendent of streets, an assessor and collector of taxes, and a comptroller. These officers are appointed by the mayor

subject to the consent of the council. The superintendent of streets has charge of the streets and side-walks; the comptroller estimates the amount of money required for the expenses of the city, which is to be raised by taxation, and supervises the expenses of the city; the duties of the assessor and collector are similar to those in the town and county.

114. City Courts.—When a city has a population of 5000 or more, city courts may be established, having concurrent jurisdiction with circuit courts,¹ except in cases of murder and treason. A judge and a clerk of the court are chosen by the electors to serve for four years. The sheriff of the county is the executive officer of the court.

115. Police Magistrates who hear and decide cases arising under the violation of city and village laws, and having the jurisdiction of justices of the peace,² are chosen by the electors to serve for four years.

116. The City Attorney is chosen by the electors to serve for two years. His duties are similar to those of the State's attorney in the county. He prosecutes accused persons brought before the court for trial; prosecutes or defends all law suits in which the city is a party; and he is the legal adviser of the council and of the city officers in all matters of law connected with their departments. In the large cities an officer called the corporation counsel is chosen, who is the legal adviser of the council and city officers. In such cases the duties of the city attorney are usually restricted to criminal matters and the duties of the corporation counsel restricted to matters of civil law.

117. The Police Department is appointed by the mayor, with the consent of the council. The department consists of the marshal, who is the chief of police,

¹ See ¶ 66, page 43.

² See ¶ 95, page 61.

and the policemen. It is their duty to preserve the peace and to arrest persons found violating the laws.¹

VILLAGES.

118. Village Officers.—The officers of a village are the president, six trustees, the village clerk, the treasurer, the constable, and the street commissioner. Three trustees are chosen annually by the electors to serve for two years. The president is chosen annually by the electors. He presides over the meetings of the trustees, but has no vote except when the vote is equally divided. The clerk is chosen annually by the electors. The treasurer, the constable, one or more street commissioners, and such other officers as may be needed, are appointed by the trustees. The annual election is held on the third Tuesday in April unless the boundaries of the village and the town are the same, in which case the election is held on the day of the annual town meeting.

¹ The mayor and aldermen in cities and villages are conservators of the peace. They may arrest, without a warrant, any person whom they may find violating any city ordinance, or any criminal law of the State

CHAPTER III.

NOMINATIONS AND ELECTIONS.

119. Political Parties have existed in this country since our national government was first established. Men's views naturally differed in regard to political matters. Those whose ideas and views were similar associated themselves together for the purpose of impressing their views on the community at large and for the purpose of electing men to office who would administer the government according to their views. Originally the efforts of political parties were directed mainly to national affairs, but it was not long before the people divided in their opinions in matters relating to State and local government. It is well for the State and the nation that the people form political parties: "Errors in the administration of government are less likely to occur and are more quickly remedied when one party keeps a close watch upon the policy and actions of its opponents.

120. Party Committees.—The interests of political parties are in charge of committees. Each prominent party has a national, a State, a county, a city and frequently a town committee.

121. The Primary or Delegate Election is held for the purpose of choosing delegates to a convention to nominate candidates for office. Sometimes the candidates for local offices are nominated at the primary election. At the primary election only those electors are allowed to vote who belong to the party in whose interest the primary election is held.

122. Conventions.—Candidates for office are usually

nominated in conventions. Each party holds its own conventions, which are composed of the delegates chosen at the primary election.

123. Nominations.—Candidates for town offices are nominated either in a convention of delegates, or in a caucus or informal meeting of the leading members of the party. Candidates for city offices are nominated in city conventions; for county offices, in county conventions; for the General Assembly, in conventions in the senatorial districts; for circuit-court judges, in conventions in the judicial district;¹ for State offices, in State conventions;² for the national House of Representatives, in conventions held in the congressional districts.³

124. Nomination Papers.—Candidates for office may

¹ Each district holds its own convention, which is composed of delegates chosen by the electors. When several counties are united to form a judicial, a senatorial, or a congressional district, the delegates from each county are usually chosen by a convention held in that county, and are frequently instructed to vote for some particular candidate.

² **The State Convention.**—The time and place for the State convention to meet is named by the State committee, which is composed of one member from each county in the State. The convention prepares an address called the *platform* of the party, which sets forth its principles and its policy and what it seeks to accomplish; it nominates candidates for presidential electors, and it elects delegates to the national convention. The chairman of the State committee is selected by the candidates that the convention nominates. The *campaign*, which is the name given to the time, means and efforts used to elect the candidates, is conducted chiefly by the chairman of the State committee, with the advice and assistance of the candidates.

The National Convention.—Forty-eight delegates, a number equal to twice the number of the State's representation in both houses of Congress, are elected by the State convention to represent the party in the national convention which nominates candidates for the office of President and of Vice-President of the United States.

³ Members of the national House of Representatives are chosen by the electors in the congressional districts; the electors in each district choose the congressman for that district.

also be nominated by means of nomination papers. If the nomination is for a State office, the papers must be signed by at least 1000 qualified electors; if the nomination is for a member of Congress, member of the General Assembly, judge of the circuit court, county office, or office in a city having a population of over 5000, the papers must be signed by not less than one for each fifty persons who voted at the last preceding general election, but in no case by less than twenty-five electors; for office in a town, village, precinct, or ward, or city with a population of less than 5000, the papers must be signed by electors numbering at least five per cent. of the total vote at the last election.

125. Making the Ticket.—The names of all candidates nominated either in conventions or by nomination papers for State offices, and for offices in divisions of the State greater than a county, such as judicial, senatorial, and congressional districts, are filed with the secretary of state. The names of all candidates nominated for county offices are filed with the county clerk. The nominations of all candidates for offices in cities, villages, incorporated towns, and towns in counties under township organization are filed with the clerks of the cities, villages, and towns. The secretary of state sends to the clerk of each county a certified list of the nominations for State offices and for offices in divisions of the State greater than a county; from which list, and from the nominations filed directly in his office, the county clerk prepares the official ticket, and provides the ballots to be used for State, district and county officers and furnishes them to the judges of elections in each voting division in the county.¹

¹ In cities, towns, or villages having a board of election commissioners, the ballots are provided by said board. In towns located in counties which have adopted township organization, the ballots for town officers are provided by the town clerk.

126. Election Officers.—For cities, villages, and incorporated towns, three election commissioners are appointed by the county court. The commissioners divide the city, village, or incorporated town into election precincts; they locate the polling-places and provide the ballots, ballot-boxes, poll-books, etc.; and they appoint three judges and two clerks in each precinct to conduct the elections.

In counties under township organization, the supervisor, the assessor, and the collector in each town are usually the judges of election; they appoint three clerks to perform the clerical work of the election. In counties not under township organization, if election judges are not chosen by the electors, the county board appoints three judges, and the judges appoint three clerks.

127. The Election.—The general election in this State is held on the Tuesday after the first Monday in November. Elections for judges of the supreme court and of the circuit courts are held on the first Monday in June, in the years in which vacancies occur in these courts. Elections for officers in cities, villages, and incorporated towns are held on the third Tuesday of April, annually.

128. Casting the Ballot.—The room in which the election is held is divided into two parts by a railing. In one part of the room are located the election officers with the ballot-box; in the other part are arranged a number of closets called voting-booths or stalls. When an elector enters the room he gives his name and address to the officers; if his name is found on the assessor's list, he is admitted within the railing and handed an official ballot. The ballot contains the names of all the candidates of the different parties in separate columns; above each column is the name of the party, and to the left of the name of the party is a circle. The elector retires to a voting-booth and in private prepares his ballot. If he desires to vote what is called "a straight ticket"—that is, to vote for every candidate of his political party—he marks a cross (X) within

the circle at the left of the name of the party, which is printed above the column containing the names of all the candidates of his party. If he desires to vote for but a part of the ticket, he makes a cross (X) opposite the names of the candidates for whom he wishes to vote, or he may write in blank spaces, left for the purpose, the names of candidates of his own choice. He folds his ballot so that no one can see how he has marked it, and gives it to the election officer having charge of the ballot-box, who deposits it in the ballot-box. The object of all this detail is to secure secrecy and to prevent fraud in conducting the election.

129. The Officer-Elect.—The candidate receiving the largest number of votes is declared elected.¹ He is the officer-elect. When the time has expired for which his predecessor was elected, and before the successful candidate assumes the duties of the office to which he has been elected, the constitution provides that he shall take and subscribe to the oath of office, in which he swears or affirms that he will support the Constitution of the United States, and the Constitution of the State of Illinois, and that he will faithfully discharge the duties of the office to which he has been elected, to the best of his ability.²

¹ **Plurality and Majority Votes.**—When there are more than two candidates for the same office, the successful candidate is usually elected, not by a majority, but by a plurality vote. A candidate receives a plurality vote when he receives more votes than any other candidate for the same office; he receives a majority vote when he receives more than half the whole number cast for any office.

² Certain inferior officers are not required to take the oath of office.

CONSTITUTION

OF THE

STATE OF ILLINOIS.

ADOPTED IN CONVENTION AT SPRINGFIELD, MAY 13, A. D. 1870.

[Ratified by the People, July 2, 1870; in force August 8, 1870;
amended in 1878, 1880, 1884, 1886 and 1890.]



PREAMBLE.

WE, the people of the State of Illinois—grateful to Almighty God for the civil, political and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations—in order to form a more perfect government, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the State of Illinois.

ARTICLE I.

BOUNDARIES.

The boundaries and jurisdiction of the State shall be as follows, to wit: Beginning at the mouth of Wabash River; thence up the same, and with the line of Indiana, to the northwest corner of said State; thence east, with the line of the same State, to the middle of Lake Michigan; thence north along the middle of said lake, to north latitude forty-two degrees and thirty minutes; thence west to the middle of the Mississippi River, and thence down along the middle of that river to its confluence with the Ohio River, and thence up the latter river along its north-western shore, to the place of beginning: *Provided*, that this State shall

exercise such jurisdiction upon the Ohio River as she is now entitled to, or such as may hereafter be agreed upon by this State and the State of Kentucky.

ARTICLE II.

BILL OF RIGHTS.

SECTION 1. All men are by nature free and independent, and have certain inherent and inalienable rights—among these are life, liberty, and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed.

SEC. 2. No person shall be deprived of life, liberty or property, without due process of law.

SEC. 3. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed; and no person shall be denied any civil or political right, privilege or capacity on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the State. No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious denomination or mode of worship.

SEC. 4. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.

SEC. 5. The right of trial by jury as heretofore enjoyed, shall remain inviolate; but the trial of civil cases before justices of the peace, by a jury of less than twelve men, may be authorized by law.

SEC. 6. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated; and no warrant shall issue without probable cause, supported by affidavit, particularly describing the place to be searched, and the persons or things to be seized.

SEC. 7. All persons shall be bailable by sufficient sureties,

except for capital offenses, where the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

SEC. 8. No person shall be held to answer for a criminal offense, unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army and navy, or in the militia when in actual service in time of war or public danger: *Provided*, that the grand jury may be abolished by law in all cases.

SEC. 9. In all criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation, and to have a copy thereof; to meet the witnesses face to face, and to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

SEC. 10. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

SEC. 11. All penalties shall be proportioned to the nature of the offense; and no conviction shall work corruption of blood or forfeiture of estate; nor shall any person be transported out of the State for any offense committed within the same.

SEC. 12. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law; or in cases where there is strong presumption of fraud.

SEC. 13. Private property shall not be taken or damaged for public use without just compensation. Such compensation, when not made by the State, shall be ascertained by a jury, as shall be prescribed by law. The fee of land taken for railroad tracks, without consent of the owners thereof, shall remain in such owners, subject to the use for which it is taken.

SEC. 14. No *ex post facto* law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities, shall be passed.

SEC. 15. The military shall be in strict subordination to the civil power.

SEC. 16. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war except in the manner prescribed by law.

SEC. 17. The people have the right to assemble in a peaceable manner to consult for the common good, to make known their opinions to their representatives, and to apply for redress of grievances.

SEC. 18. All elections shall be free and equal.

SEC. 19. Every person ought to find a certain remedy in the laws for all injuries and wrongs which he may receive in his person, property or reputation; he ought to obtain, by law, right and justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay.

SEC. 20. A frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

ARTICLE III.

DISTRIBUTION OF POWERS.

The powers of the government of this State are divided into three distinct departments—the Legislative, Executive, and Judicial; and no person, or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power shall be vested in a general assembly, which shall consist of a Senate and House of Representatives, both to be elected by the people.

ELECTION.

SEC. 2. An election for members of the General Assembly shall be held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy, and every two years thereafter, in each county, at such places therein as may be provided by law. When vacancies occur in either house, the governor, or person exercising the power of governor, shall issue writs of election to fill such vacancy.

ELIGIBILITY AND OATH.

SEC. 3. No person shall be a senator who shall not have attained the age of twenty-five years, or a representative who shall not have attained the age of twenty-one years. No person shall be a senator or representative who shall not be a citizen of the United States, and who shall not have been for five years a resident of this State, and for two years next preceding his election a resident within the territory forming the district from which he is elected. No judge or clerk of any court, secretary of state, attorney-general, State's attorney, recorder, sheriff, or collector of public revenue, member of either house of Congress, or person holding any lucrative office under the United States or this State, or any foreign government, shall have a seat in the General Assembly : *Provided*, that appointments in the militia, and the offices of notary public and justice of the peace, shall not be considered lucrative. Nor shall any person holding any office of honor or profit under any foreign government, or under the government of the United States (except postmasters whose annual compensation does not exceed the sum of three hundred dollars), hold any office of honor or profit under the authority of this State.

SEC. 4. No person who has been, or hereafter shall be convicted of bribery, perjury or other infamous crime, nor any person who has been or may be a collector or holder of public moneys, who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the General Assembly, or to any office of profit or trust in this State.

SEC. 5. Members of the General Assembly, before they enter upon their official duties, shall take and subscribe the following oath or affirmation :

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of the State of Illinois, and will faithfully discharge the duties of senator (or representative) according to the best of my ability ; and that I have not knowingly or intentionally paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill the said office, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, for any vote or influence I may give or withhold on any bill, resolution or appropriation, or for any other official act."

This oath shall be administered by a judge of the supreme or circuit court in the hall of the house to which the member is elected, and the secretary of state shall record and file the oath subscribed by each member. Any member who shall refuse to take the oath herein prescribed shall forfeit his office, and every member who shall be convicted of having sworn falsely to, or of violating his said oath, shall forfeit his office and be disqualified thereafter from holding any office of profit or trust in this State.

APPORTIONMENT—SENATORIAL.

SEC. 6. The General Assembly shall apportion the State every ten years, beginning with the year one thousand eight hundred and seventy-one, by dividing the population of the State, as ascertained by the Federal census, by the number fifty-one, and the quotient shall be the ratio of representation in the senate. The State shall be divided into fifty-one senatorial districts, each of which shall elect one senator, whose term of office shall be four years. The senators elected in the year of our Lord one thousand eight hundred and seventy-two, in districts bearing odd numbers, shall vacate their offices at the end of two years, and those elected in districts bearing even numbers, at the end of four years; and vacancies occurring by the expiration of term shall be filled by the election of senators for the full term. Senatorial districts shall be formed of contiguous and compact territory, bounded by county lines, and contain as nearly as practicable an equal number of inhabitants; but no district shall contain less than four-fifths of the senatorial ratio. Counties containing not less than the ratio and three-fourths, may be divided into separate districts, and shall be entitled to two senators, and to one additional senator for each number of inhabitants equal to the ratio contained by such counties in excess of twice the number of said ratio.

MINORITY REPRESENTATION.

NOTE.—By the adoption of minority representation, the original sections 7 and 8 of this article became void and ceased to be a part of the constitution. Under section 12 of the schedule and the vote of adoption, the sections 7 and 8 following, relating to minority representation take the place of the original sections 7 and 8.

SECS. 7 and 8. The house of representatives shall consist of three times the number of the members of the senate, and the

term of office shall be two years. Three representatives shall be elected in each senatorial district at the general election in the year of our Lord one thousand eight hundred and seventy-two, and every two years thereafter. In all elections of representatives aforesaid, each qualified voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates, as he shall see fit; and the candidates highest in votes shall be declared elected.

TIME OF MEETING AND GENERAL RULES.

SEC. 9. The sessions of the General Assembly shall commence at twelve o'clock noon, on the Wednesday next after the first Monday in January, in the year next ensuing the election of members thereof, and at no other time, unless as provided by this constitution. A majority of the members elected to each house shall constitute a quorum. Each house shall determine the rules of its proceedings, and be the judge of the election returns, and qualifications of its members; shall choose its own officers; and the senate shall choose a temporary president to preside when the lieutenant-governor shall not attend as president, or shall act as governor. The secretary of state shall call the House of Representatives to order at the opening of each new assembly, and preside over it until a temporary presiding officer thereof shall have been chosen and shall have taken his seat. No member shall be expelled by either house, except by a vote of two-thirds of all the members elected to that house, and no member shall be twice expelled for the same offense. Each house may punish by imprisonment any person, not a member, who shall be guilty of disrespect to the house by disorderly or contemptuous behavior in its presence. But no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

SEC. 10. The door of each house and of committees of the whole shall be kept open, except in such cases as, in the opinion of the house, require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, or to any other place than that in which the two houses shall be sitting. Each house shall keep a journal of its proceedings, which shall be published. In the senate, at the request of two members, and

in the house at the request of five members, the yeas and nays shall be taken on any question, and entered upon the journal. Any two members of either house shall have liberty to dissent from and protest, in respectful language, against any act or resolution which they think injurious to the public or to any individual, and have the reasons of their dissent entered upon the journals.

STYLE OF LAWS AND PASSAGE OF BILLS.

SEC. 11. The style of the laws of this State shall be: "*Be it enacted by the People of the State of Illinois, represented in the General Assembly.*"

SEC. 12. Bills may originate in either house, but may be altered, amended or rejected by the other; and on the final passage of all bills, the vote shall be by yeas and nays, upon each bill separately, and shall be entered upon the journal; and no bill shall become a law without the concurrence of a majority of the members elected to each house.

SEC. 13. Every bill shall be read at large on three different days, in each house; and the bill and all amendments thereto shall be printed before the vote is taken on its final passage; and every bill, having passed both houses, shall be signed by the speakers thereof. No act hereafter passed shall embrace more than one subject, and that shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed; and no law shall be revived or amended by reference to its title only, but the law revived, or the section amended, shall be inserted at length in the new act. And no act of the General Assembly shall take effect until the first day of July next after its passage, unless, in case of emergency (which emergency shall be expressed in the preamble or body of the act) the General Assembly shall, by a vote of two-thirds of all the members elected to each house, otherwise direct.

PRIVILEGES AND DISABILITIES.

SEC. 14. Senators and representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

SEC. 15. No person elected to the General Assembly shall receive any civil appointment within this State from the governor, the governor and senate, or from the General Assembly, during the term for which he shall have been elected; and all such appointments, and all votes given for any such members for any such office or appointment, shall be void; nor shall any member of the General Assembly be interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected, or within one year after the expiration thereof.

PUBLIC MONEYS AND APPROPRIATIONS.

SEC. 16. The General Assembly shall make no appropriation of money out of the treasury in any private law. Bills making appropriations for the pay of members and officers of the General Assembly, and for the salaries of the officers of the government, shall contain no provision on any other subject.

SEC. 17. No money shall be drawn from the treasury except in pursuance of an appropriation made by law, and on the presentation of a warrant issued by the auditor thereon; and no money shall be diverted from any appropriation made for any purpose, or taken from any fund whatever, either by joint or separate resolution. The auditor shall, within sixty days after the adjournment of each session of the General Assembly, prepare and publish a full statement of all money expended at such session, specifying the amount of each item, and to whom and for what paid.

SEC. 18. Each General Assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government until the expiration of the first fiscal quarter after the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of the members elected to each house, nor exceed the amount of revenue authorized by law to be raised in such time; and all appropriations, general or special, requiring money to be paid out of the State treasury, from funds belonging to the State, shall end with such fiscal quarter: *Provided*, the State may, to meet casual deficits or failures in revenues, contract debts, never to exceed in the aggregate two hundred and fifty thousand dollars; and moneys thus borrowed shall be applied to the purpose for which they were obtained, or to pay the debt thus created, and to

no other purpose; and no other debt, except for the purpose of repelling invasion, suppressing insurrection, or defending the State in war (for payment of which the faith of the State shall be pledged), shall be contracted, unless the law authorizing the same shall, at a general election, have been submitted to the people and have received a majority of the votes cast for members of the General Assembly at such election. The General Assembly shall provide for the publication of said law for three months, at least, before the vote of the people shall be taken upon the same; and provision shall be made, at the time, for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue; which law, providing for the payment of such interest by such tax, shall be irrevocable until such debt be paid. *And provided further*, that the law levying the tax shall be submitted to the people with the law authorizing the debt to be contracted.

SEC. 19. The General Assembly shall never grant or authorize extra compensation, fee or allowance to any public officer, agent, servant or contractor, after service has been rendered or a contract made, nor authorize the payment of any claim, or part thereof, hereafter created against the State under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void: *Provided*, the General Assembly may make appropriations for expenditures incurred in suppressing insurrection or repelling invasion.

SEC. 20. The State shall never pay, assume or become responsible for the debts or liabilities of, or in any manner give, loan or extend its credit to, or in aid of any public or other corporation, association or individual.

PAY OF MEMBERS.

SEC. 21. The members of the General Assembly shall receive for their services the sum of five dollars per day, during the first session held under this constitution, and ten cents for each mile necessarily travelled in going to and returning from the seat of government, to be computed by the auditor of public accounts; and thereafter such compensation as shall be prescribed by law, and no other allowance or emolument, directly or indirectly, for any purpose whatever, except the sum of fifty dollars per session to each member, which shall be in full for postage, stationery,

newspapers, and all other incidental expenses and perquisites; but no change shall be made in the compensation of the General Assembly during the term for which they may have been elected. The pay and mileage allowed to each member of the General Assembly shall be certified by the speakers of their respective houses, and entered on the journals, and published at the close of each session.

SPECIAL LEGISLATION PROHIBITED.

SEC. 22. The General Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say, for—

Granting divorces;

Changing the names of persons or places;

Laying out, opening, altering, and working roads or highways;

Vacating roads, town plats, streets, alleys, and public grounds;

Locating or changing county seats;

Regulating county and township affairs;

Regulating the practice in courts of justice;

Regulating the jurisdiction and duties of justices of the peace, police magistrates, and constables;

Providing for changes of venue in civil and criminal cases;

Incorporating cities, towns, or villages, or changing or amending the charter of any town, city, or village;

Providing for the election of members of the board of supervisors in townships, incorporated towns or cities;

Summoning and impaneling grand or petit juries;

Providing for the management of common schools;

Regulating the rate of interest on money;

The opening and conducting of an election, or designating the place of voting;

The sale or mortgage of real estate belonging to minors or others under disability;

The protection of game or fish;

Chartering or licensing ferries or toll bridges;

Remitting fines, penalties or forfeitures;

Creating, increasing, or decreasing fees, percentages or allowances of public officers, during the term for which said officers are elected or appointed;

Changing the law of descent;

Granting to any corporation, association or individual the right

to lay down railroad tracks, or amending existing charters for such purpose.

Granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever.

In all other cases where a general law can be made applicable, no special law shall be enacted.

SEC. 23. The General Assembly shall have no power to release or extinguish, in whole or in part, the indebtedness, liability, or obligation of any corporation or individual to this State or to any municipal corporation therein.

IMPEACHMENT.

SEC. 24. The House of Representatives shall have the sole power of impeachment; but a majority of all the members elected must concur therein. All impeachments shall be tried by the senate; and when sitting for that purpose, the senators shall be upon oath or affirmation, to do justice according to law and evidence. When the governor of the State is tried, the chief-justice shall preside. No person shall be convicted without the concurrence of two-thirds of the senators elected. But judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, profit or trust under the government of this State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

MISCELLANEOUS.

SEC. 25. The General Assembly shall provide, by law, that the fuel, stationery, and printing paper furnished for the use of the State; the copying, printing, binding and distributing the laws and journals, and all other printing ordered by the General Assembly, shall be let by contract to the lowest responsible bidder; but the General Assembly shall fix a maximum price; and no member thereof, or other officer of the State, shall be interested, directly or indirectly, in such contract. But all such contracts shall be subject to the approval of the governor, and if he disapproves the same, there shall be a re-letting of the contract, in such manner as shall be prescribed by law.

SEC. 26. The State of Illinois shall never be made defendant in any court of law or equity.

SEC. 27. The General Assembly shall have no power to author-

ize lotteries or gift enterprises, for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this State.

SEC. 28. No law shall be passed which shall operate to extend the term of any public officer after his election or appointment.

SEC. 29. It shall be the duty of the General Assembly to pass such laws as may be necessary for the protection of operative miners, by providing for ventilation, when the same may be required, and the construction of escapement shafts, or such other appliances as may secure safety in all coal mines, to provide for the enforcement of said laws by such penalties and punishments as may be deemed proper.

SEC. 30. The General Assembly may provide for establishing and opening roads and cartways, connected with a public road, for private and public use.

SEC. 31. The General Assembly may pass laws permitting the owners of land to construct drains, ditches and levees for agricultural, sanitary or mining purposes, across the lands of others, and provide for the organization of drainage districts, and vest the corporate authorities thereof with power to construct and maintain levees, drains and ditches, and to keep in repair all drains, ditches and levees heretofore constructed under the laws of this State, by special assessments upon the property benefitted thereby.

SEC. 32. The General Assembly shall pass liberal homestead and exemption laws.

SEC. 33. The General Assembly shall not appropriate out of the State treasury, or expend on account of the new capitol grounds, and construction, completion and furnishing of the State house, a sum exceeding in the aggregate three and a half millions of dollars, inclusive of all appropriations heretofore made, without first submitting the proposition for an additional expenditure to the legal voters of the State, at a general election; nor unless a majority of all votes cast at such election shall be for the proposed additional expenditure.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive department shall consist of a governor, lieutenant-governor, secretary of state, auditor of public

accounts, treasurer, superintendent of public instruction, and attorney-general, who shall each, with the exception of treasurer, hold his office for the term of four years from the second Monday of January next after his election and until his successor is elected and qualified. They shall, except the lieutenant-governor, reside at the seat of government during the term of office, and keep the public records, books and papers there, and shall perform such duties as may be prescribed by law.

SEC. 2. The treasurer shall hold his office for the term of two years, and until his successor is elected and qualified; and shall be ineligible to said office for two years next after the end of the term for which he was elected. He may be required by the governor to give reasonable additional security, and in default of so doing his office shall be deemed vacant.

ELECTION.

SEC. 3. An election for governor, lieutenant-governor, secretary of state, auditor of public accounts, and attorney-general shall be held on the Tuesday next after the first Monday of November, in the year of our Lord one thousand eight hundred and seventy-two, and every four years thereafter; for superintendent of public instruction, on the Tuesday next after the first Monday of November, in the year one thousand eight hundred and seventy, and every four years thereafter; and for treasurer on the day last above mentioned, and every two years thereafter; at such places and in such manner as may be prescribed by law.

SEC. 4. The returns of every election for the above-named officers shall be sealed up and transmitted, by the returning officers, to the secretary of state, directed to "The Speaker of the House of Representatives," who shall, immediately after the organization of the house, and before proceeding to other business, open and publish the same in the presence of a majority of each house of the General Assembly, who shall for that purpose assemble in the hall of the House of Representatives. The person having the highest number of votes for either of said offices, shall be declared duly elected; but if two or more have an equal, and the highest number of votes, the General Assembly shall, by joint ballot, choose one of such persons for said office. Contested elections for all of said offices shall be determined by both houses of

the General Assembly, by joint ballot, in such manner as may be prescribed by law.

ELIGIBILITY.

SEC. 5. No person shall be eligible to the office of governor or lieutenant-governor who shall not have attained the age of thirty years, and been for five years next preceding his election a citizen of the United States and of this State. Neither the governor, lieutenant-governor, auditor of public accounts, secretary of state, superintendent of public instruction, nor attorney-general shall be eligible to any other office during the period for which he shall have been elected.

GOVERNOR.

SEC. 6. The supreme executive power shall be vested in the governor, who shall take care that the laws be faithfully executed.

SEC. 7. The governor shall, at the commencement of each session, and at the close of his term of office, give to the General Assembly information, by message, of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall account to the General Assembly, and accompany his message with a statement of all moneys received and paid out by him from any funds subject to his order, with vouchers, and, at the commencement of each regular session, present estimates of the amount of money required to be raised by taxation for all purposes.

SEC. 8. The governor may, on extraordinary occasions, convene the General Assembly, by proclamation, stating therein the purpose for which they are convened; and the General Assembly shall enter upon no business except that for which they were called together.

SEC. 9. In case of a disagreement between the two houses with respect to the time of adjournment, the governor may, on the same being certified to him by the house first moving the adjournment, adjourn the General Assembly to such time as he thinks proper, not beyond the first day of the next regular session.

SEC. 10. The governor shall nominate and, by and with the advice and consent of the senate (a majority of all the senators elected concurring by yeas and nays), appoint all officers whose offices are established by this constitution, or which may be

created by law, and whose appointment or election is not otherwise provided for; and no such officer shall be appointed or elected by the General Assembly.

SEC. 11. In case of vacancy, during the recess of the senate, in any office which is not elective, the governor shall make a temporary appointment until the next meeting of the senate, when he shall nominate some person to fill such office; and any person so nominated, who is confirmed by the senate (a majority of all the senators elected concurring by yeas and nays), shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified. No person, after being rejected by the senate, shall be again nominated for the same office at the same session, unless at the request of the senate, or be appointed to the same office during the recess of the General Assembly.

SEC. 12. The governor shall have power to remove any officer whom he may appoint, in case of incompetency, neglect of duty, or malfeasance in office; and he may declare his office vacant and fill the same as is herein provided in other cases of vacancy.

SEC. 13. The governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses, subject to such regulations as may be provided by law relative to the manner of applying therefor.

SEC. 14. The governor shall be commander-in-chief of the military and naval forces of the State (except when they shall be called into the service of the United States); and may call out the same to execute the laws, suppress insurrection, and repel invasion.

SEC. 15. The governor, and all civil officers of this State, shall be liable to impeachment for any misdemeanor in office.

VETO POWER OF THE GOVERNOR.

SEC. 16. Every bill passed by the General Assembly shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it, with his objections, to the house in which it shall have originated, which house shall enter the objections at large upon its journal and proceed to reconsider the bill. If then two-thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall like-

wise be reconsidered ; and if approved by two-thirds of the members elected to that house, shall become a law, notwithstanding the objections of the governor ; but in all such cases the vote of each house shall be determined by yeas and nays, to be entered upon the journal. Bills making appropriations of money out of the treasury shall specify the objects and purposes for which the same are made, and appropriate to them respectively their several amounts in distinct items and sections. And if the governor shall not approve any one or more of the items or sections contained in any bill, but shall approve the residue thereof, it shall become a law as to the residue in like manner as if he had signed it. The governor shall then return the bill, with his objections to the items or sections of the same not approved by him, to the house in which the bill shall have originated, which house shall enter the objections at large upon its journal, and proceed to reconsider so much of said bill as is not approved by the governor. The same proceedings shall be had in both houses in reconsidering the same as is hereinbefore provided in case of an entire bill returned by the governor with his objections ; and if any item or section of said bill not approved by the governor shall be passed by two-thirds of the members elected to each of the two houses of the General Assembly, it shall become part of said law, notwithstanding the objections of the governor. Any bill which shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, shall become a law in like manner as if he had signed it, unless the General Assembly shall by their adjournment prevent its return, in which case it shall be filed with his objections in the office of the secretary of state, within ten days after such adjournment, or become a law.

LIEUTENANT-GOVERNOR.

SEC. 17. In case of the death, conviction or impeachment, failure to qualify, resignation, absence from the State, or other disability of the governor, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the lieutenant-governor.

SEC. 18. The lieutenant-governor shall be president of the senate, and shall vote only when the senate is equally divided. The senate shall choose a president *pro tempore*, to preside in case

of the absence or impeachment of the lieutenant-governor, or when he shall hold the office of governor.

SEC. 19. If there be no lieutenant-governor, or if the lieutenant-governor shall, for any of the causes specified in section seventeen of this article, become incapable of performing the duties of the office, the president of the senate shall act as governor until the vacancy is filled or the disability removed; and if the president of the senate, for any of the above-named causes, become incapable of performing the duties of governor, the same shall devolve upon the speaker of the House of Representatives.

OTHER STATE OFFICERS.

SEC. 20. If the office of auditor of public accounts, treasurer, secretary of state, attorney-general, or superintendent of public instruction shall be vacated by death, resignation or otherwise, it shall be the duty of the governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law. An account shall be kept by the officers of the executive department, and of all the public institutions of the State, of all moneys received or disbursed by them, severally, from all sources, and for every service performed, and a semi-annual report thereof be made to the governor, under oath; and any officer who makes a false report shall be guilty of perjury, and be punished accordingly.

SEC. 21. The officers of the executive department, and of all the public institutions of the State, shall, at least ten days preceding each regular session of the General Assembly, severally report to the governor, who shall transmit such reports to the General Assembly, together with the reports of the judges of the supreme court of defects in the constitution and laws; and the governor may at any time require information, in writing, under oath, from the officers of the executive department, and all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices.

THE SEAL OF STATE.

SEC. 22. There shall be a seal of the State, which shall be called the "Great Seal of the State of Illinois," which shall be

kept by the secretary of state, and used by him, officially, as directed by law.

FEES AND SALARIES.

SEC. 23. The officers named in this article shall receive for their services a salary, to be established by law, which shall not be increased or diminished during their official terms, and they shall not, after the expiration of the terms of those in office at the adoption of this constitution, receive to their own use any fees, costs, perquisites of office, or other compensation. And all fees that may hereafter be payable by law for any services performed by any officer provided for in this article of the constitution, shall be paid in advance into the State treasury.

DEFINITION AND OATH OF OFFICE.

SEC. 24. An office is a public position created by the constitution or law, continuing during the pleasure of the appointing power, or for a fixed time, with a successor elected or appointed. An employment is an agency, for a temporary purpose, which ceases when that purpose is accomplished.

SEC. 25. All civil officers except members of the General Assembly and such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

“I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of —— according to the best of my ability.”

And no other oath, declaration or test shall be required as a qualification.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial powers, except as in this article is otherwise provided, shall be vested in one supreme court, circuit courts, county courts, justices of the peace, police magistrates, and in such courts as may be created by law in and for cities and incorporated towns.

SUPREME COURT.

SEC. 2. The supreme court shall consist of seven judges, and shall have original jurisdiction in cases relating to the revenue in *mandamus* and *habeas corpus*, and appellate jurisdiction in all other cases. One of said judges shall be chief-justice; four shall constitute a quorum, and the concurrence of four shall be necessary to every decision.

SEC. 3. No person shall be eligible to the office of judge of the supreme court unless he shall be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in this State five years next preceding his election, and be a resident of the district in which he shall be elected.

SEC. 4. Terms of the supreme court shall continue to be held in the present grand divisions at the several places now provided for holding the same; and until otherwise provided by law, one or more terms of said court shall be held, for the northern division, in the city of Chicago each year, at such times as said court may appoint, whenever said city or the county of Cook shall provide appropriate rooms therefor, and the use of a suitable library, without expense to the State. The judicial divisions may be altered, increased or diminished in number, and the times and places of holding said court may be changed by law.

SEC. 5. The present grand divisions shall be preserved, and be denominated Southern, Central and Northern, until otherwise provided by law. The State shall be divided into seven districts for the election of judges, and until otherwise provided by law, they shall be as follows:

First District.—The counties of St. Clair, Clinton, Washington, Jefferson, Wayne, Edwards, Wabash, White, Hamilton, Franklin, Perry, Randolph, Monroe, Jackson, Williamson, Saline, Gallatin, Hardin, Pope, Union, Johnson, Alexander, Pulaski and Massac.

Second District.—The counties of Madison, Bond, Marion, Clay, Richland, Lawrence, Crawford, Jasper, Effingham, Fayette, Montgomery, Macoupin, Shelby, Cumberland, Clark, Greene, Jersey, Calhoun and Christian.

Third District.—The counties of Sangamon, Macon, Logan, De Witt, Piatt, Douglas, Champaign, Vermillion, McLean, Livingston, Ford, Iroquois, Coles, Edgar, Moultrie and Tazewell.

Fourth District.—The counties of Fulton, McDonough, Hancock, Schuyler, Brown, Adams, Pike, Mason, Menard, Morgan, Cass and Scott.

Fifth District.—The counties of Knox, Warren, Henderson, Mercer, Henry, Stark, Peoria, Marshall, Putnam, Bureau, LaSalle, Grundy and Woodford.

Sixth District.—The counties of Whiteside, Carroll, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Kane, Kendall, DeKalb, Lee, Ogle and Rock Island.

Seventh District.—The counties of Lake, Cook, Will, Kankakee and DuPage.

The boundaries of the districts may be changed at the session of the General Assembly next preceding the election for judges therein, and at no other time; but whenever such alterations shall be made, the same shall be upon the rule of equality of population, as nearly as county boundaries will allow, and the districts shall be composed of contiguous counties, in as nearly compact form as circumstances will permit. The alteration of the districts shall not affect the tenure of office of any judge.

SEC. 6. At the time of voting on the adoption of this constitution, one judge of the supreme court shall be elected by the electors thereof, in each of said districts numbered two, three, six and seven, who shall hold his office for the term of nine years from the first Monday of June, in the year of our Lord one thousand eight hundred and seventy. The term of office of judges of the supreme court, elected after the adoption of this constitution, shall be nine years; and on the first Monday of June of the year in which the term of any of the judges in the office at the adoption of this constitution, or of the judges then elected, shall expire, and every nine years thereafter, there shall be an election for the successor or successors of such judges, in the respective districts wherein the term of such judges shall expire. The chief-justice shall continue to act as such until the expiration of the term for which he was elected, after which the judges shall choose one of their number chief-justice.

SEC. 7. From and after the adoption of this constitution, the judges of the supreme court shall each receive a salary of four thousand dollars per annum, payable quarterly, until otherwise provided by law. And after said salaries shall be fixed by law, the salaries of the judges in office shall not be increased or dimin-

ished during the term for which said judges shall have been elected.

SEC. 8. Appeals and writs of error may be taken to the supreme court, held in the grand division in which the case is decided, or, by consent of the parties, to any other grand division.

SEC. 9. The supreme court shall appoint one reporter of its decisions, who shall hold his office for six years, subject to removal by the court.

SEC. 10. At the time of the election for representatives in the General Assembly, happening next preceding the expiration of the terms of office of the present clerks of said court, one clerk of said court for each division shall be elected, whose term of office shall be six years from said election, but who shall not enter upon the duties of his office until the expiration of the term of his predecessor, and every six years thereafter one clerk of said court for each division shall be elected.

APPELLATE COURTS.

SEC. 11. After the year of our Lord one thousand eight hundred and seventy-four, inferior appellate courts, of uniform organization and jurisdiction, may be created in districts formed for that purpose, to which such appeals and writs of error as the General Assembly may provide, may be prosecuted from circuit or other courts, and from which appeals and writs of error shall lie to the supreme court, in all criminal cases, and cases in which a franchise, or freehold, or the validity of a statute is involved, and in such other cases as may be provided by law. Such appellate courts shall be held by such number of judges of the circuit courts, and at such times and places, and in such manner as may be provided by law; but no judge shall sit in review upon cases decided by him; nor shall said judges receive any additional compensation for such services.

CIRCUIT COURTS.

SEC. 12. The circuit courts shall have original jurisdiction of all causes in law and equity, and such appellate jurisdiction as is or may be provided by law, and shall hold two or more terms each year in every county. The terms of office of judges of circuit courts shall be six years.

SEC. 13. The State, exclusive of the county of Cook and other

counties having a population of one hundred thousand, shall be divided into judicial circuits, prior to the expiration of the terms of office of the present judges of the circuit courts. Such circuits shall be formed of contiguous counties, in as nearly compact form and as nearly equal as circumstances will permit, having due regard to business, territory and population, and shall not exceed in number one circuit for every one hundred thousand of population in the State. One judge shall be elected for each of said circuits by the electors thereof. New circuits may be formed and the boundaries of circuits changed by the General Assembly, at its session next preceding the election for circuit judges, but at no other time: *Provided*, that the circuits may be equalized or changed at the first session of the General Assembly after the adoption of this constitution. The creation, alteration or change of any circuit shall not affect the tenure of office of any judge. Whenever the business of the circuit court of any one, or of two or more contiguous counties, containing a population exceeding fifty thousand, shall occupy nine months of the year, the General Assembly may make of such county, or counties, a separate circuit. Whenever additional circuits are created, the foregoing limitations shall be observed.

SEC. 14. The General Assembly shall provide for the times of holding court in each county; which shall not be changed, except by the General Assembly next preceding the general election for judges of said courts; but additional terms may be provided for in any county. The election for judges of the circuit courts shall be held on the first Monday in June, in the year of our Lord one thousand eight hundred and seventy-three, and every six years thereafter.

SEC. 15. The General Assembly may divide the State into judicial circuits of greater population and territory, in lieu of the circuits provided for in section thirteen of this article, and provide for the election therein, severally, by the electors thereof, by general ticket, of not exceeding four judges, who shall hold the circuit courts in the circuit for which they shall be elected, in such manner as may be provided by law.

SEC. 16. From and after the adoption of this constitution, judges of the circuit courts shall receive a salary of three thousand dollars per annum, payable quarterly, until otherwise provided by law. And after their salaries shall be fixed by law, they

shall not be increased or diminished during the terms for which said judges shall be respectively elected; and from and after the adoption of this constitution, no judge of the supreme or circuit court shall receive any other compensation, perquisite or benefit, in any form whatsoever, nor perform any other than judicial duties to which may belong any emoluments.

SEC. 17. No person shall be eligible to the office of judge of the circuit or any inferior court, or to membership in the "board of county commissioners," unless he shall be at least twenty-five years of age, and a citizen of the United States, nor unless he shall have resided in this State five years next preceding his election, and be a resident of the circuit, county, city, cities, or incorporated town in which he shall be elected.

COUNTY COURTS.

SEC. 18. There shall be elected in and for each county, one county judge and one clerk of the county court, whose terms of office shall be four years. But the General Assembly may create districts of two or more contiguous counties, in each of which shall be elected one judge, who shall take the place of, and exercise the powers and jurisdiction of county judges in such districts. County courts shall be courts of record, and shall have original jurisdiction in all matters of probate; settlement of estates of deceased persons; appointment of guardians and conservators, and settlements of their accounts; in all matters relating to apprentices; and in proceedings for the collection of taxes and assessments, and such other jurisdiction as may be provided for by general law.

SEC. 19. Appeals and writs of error shall be allowed from final determinations of county courts, as may be provided by law.

PROBATE COURTS.

SEC. 20. The General Assembly may provide for the establishment of a probate court in each county having a population of over fifty thousand, and for the election of a judge thereof, whose term of office shall be the same as that of the county judge, and who shall be elected at the same time and in the same manner. Said courts, when established, shall have original jurisdiction of all probate matters, the settlement of estates of deceased persons, the appointment of guardians and conservators, and settlements

of their accounts; in all matters relating to apprentices, and in cases of sales of real estate of deceased persons for the payment of debts.

JUSTICES OF THE PEACE AND CONSTABLES.

SEC. 21. Justices of the peace, police magistrates and constables shall be elected in and for such districts as are, or may be, provided by law, and the jurisdiction of such justices of the peace and police magistrates shall be uniform.

STATE'S ATTORNEYS.

SEC. 22. At the election for members of the General Assembly in the year of our Lord one thousand eight hundred and seventy-two, and every four years thereafter, there shall be elected a State's attorney in and for each county, in lieu of the State's attorneys now provided by law, whose term of office shall be four years.

COURTS OF COOK COUNTY.

SEC. 23. The county of Cook shall be one judicial circuit. The circuit court of Cook county shall consist of five judges, until their number shall be increased, as herein provided. The present judge of the recorder's court of the city of Chicago, and the present judge of the circuit court of Cook county, shall be two of said judges, and shall remain in office for the terms for which they were respectively elected, and until their successors shall be elected and qualified. The superior court of Chicago shall be continued and called the "superior court of Cook county." The General Assembly may increase the number of said judges, by adding one to either of said courts for every additional fifty thousand inhabitants in said county over and above a population of four hundred thousand. The terms of office of the judges of said courts, hereafter elected, shall be six years.

SEC. 24. The judge having the shortest unexpired term shall be chief-justice of the court of which he is a judge. In case there are two or more whose terms expire at the same time, it may be determined by lot which shall be chief-justice. Any judge of either of said courts shall have all the powers of a circuit judge, and may hold the court of which he is a member. Each of them may hold a different branch thereof at the same time.

SEC. 25. The judges of the superior and circuit courts, and the State's attorney, in said county, shall receive the same salaries,

payable out of the State treasury, as is or may be paid from said treasury to the circuit judges and State's attorneys of the State, and such further compensation, to be paid by the county of Cook, as is or may be provided by law. Such compensation shall not be changed during their continuance in office.

SEC. 26. The recorder's court of the city of Chicago shall be continued, and shall be called the "criminal court of Cook county." It shall have the jurisdiction of a circuit court in all cases of criminal and *quasi* criminal nature, arising in the county of Cook, or that may be brought before said court pursuant to law; and all recognizances and appeals taken in said county, in criminal and *quasi* criminal cases shall be returnable and taken to said court. It shall have no jurisdiction in civil cases, except in those on behalf of the people, and incident to such criminal or *quasi* criminal matters, and to dispose of unfinished business. The terms of said criminal court of Cook county shall be held by one or more of the judges of the circuit or superior court of Cook county, as nearly as may be in alternation, as may be determined by said judges, or provided by law. Said judges shall be *ex-officio* judges of said court.

SEC. 27. The present clerk of the recorder's court of the city of Chicago shall be the clerk of the criminal court of Cook county, during the term for which he was elected. The present clerks of the superior court of Chicago, and the present clerk of the circuit court of Cook county, shall continue in office during the terms for which they were respectively elected; and thereafter there shall be but one clerk of the superior court, to be elected by the qualified electors of said county, who shall hold his office for the term of four years, and until his successor is elected and qualified.

SEC. 28. All justices of the peace in the city of Chicago shall be appointed by the governor, by and with the advice and consent of the senate (but only upon the recommendation of a majority of the judges of the circuit, superior and county courts), and for such districts as are now or shall hereafter be provided by law. They shall hold their offices for four years, and until their successors have been commissioned and qualified, but they may be removed by summary proceedings in the circuit or superior court, for extortion or other malfeasance. Existing justices of the peace and police magistrates may hold their offices until the expiration of their respective terms.

GENERAL PROVISIONS.

SEC. 29. All judicial officers shall be commissioned by the governor. All laws relating to courts shall be general, and of uniform operation ; and the organization, jurisdiction, powers, proceedings and practice of all courts, of the same class or grade, so far as regulated by law, and the force and effect of the process, judgments and decrees of such courts, severally, shall be uniform.

SEC. 30. The General Assembly may, for cause entered on the journals, upon due notice and opportunity of defense, remove from office any judge, upon concurrence of three-fourths of all the members elected, of each house. All other officers in this article mentioned shall be removed from office on prosecution and final conviction, for misdemeanor in office.

SEC. 31. All judges of courts of record, inferior to the supreme court, shall, on or before the first day of June, of each year, report in writing to the judges of the supreme court, such defects and omissions in the laws as their experience may suggest; and the judges of the supreme court shall, on or before the first day of January, of each year, report in writing to the governor such defects and omissions in the constitution and laws as they may find to exist, together with appropriate forms of bills to cure such defects and omissions in the laws. And the judges of the several circuit courts shall report to the next General Assembly the number of days they have held court in the several counties composing their respective circuits, the preceding two years.

SEC. 32. All officers provided for in this article shall hold their offices until their successors shall be qualified, and they shall, respectively, reside in the division, circuit, county or district for which they may be elected or appointed. The terms of office of all such officers, where not otherwise prescribed in this article, shall be four years. All officers, where not otherwise provided for in this article, shall perform such duties and receive such compensation as is or may be provided by law. Vacancies in such elective offices shall be filled by election; but where the unexpired term does not exceed one year, the vacancy shall be filled by appointment, as follows: Of judges, by the governor; of clerks of courts, by the court to which the office appertains, or by the judge or judges thereof; and of all such other offices, by the board of supervisors, or board of county commissioners, in the county where the vacancy occurs.

SEC. 33. All process shall run: *In the name of the People of the State of Illinois*; and all prosecutions shall be carried on: *In the name and by the authority of the People of the State of Illinois*; and conclude: *Against the peace and dignity of the same*. "Population," wherever used in this article, shall be determined by the next preceding census of this State, or of the United States.

ARTICLE VII.

SUFFRAGE.

SECTION 1. Every person having resided in this State one year, in the county ninety days, and in the election district thirty days next preceding any election therein, who was an elector in this State on the first day of April, in the year of our Lord one thousand eight hundred and forty-eight, or obtained a certificate of naturalization before any court of record in this State, prior to the first day of January, in the year of our Lord one thousand eight hundred and seventy, or who shall be a male citizen of the United States, above the age of twenty-one years, shall be entitled to vote at such election.

SEC. 2. All votes shall be by ballot.

SEC. 3. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same. And no elector shall be obliged to do military duty on the days of election, except in time of war or public danger.

SEC. 4. No elector shall be deemed to have lost his residence in this State by reason of his absence on the business of the United States, or of this State, or in the military or naval service of the United States.

SEC. 5. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed therein.

SEC. 6. No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State one year next preceding the election or appointment.

SEC. 7. The General Assembly shall pass laws excluding from the right of suffrage persons convicted of infamous crimes.

ARTICLE VIII.

EDUCATION.

SECTION 1. The General Assembly shall provide a thorough and efficient system of free schools, whereby all children of this State may receive a good common school education.

SEC. 2. All lands, moneys, or other property, donated, granted, or received for school, college, seminary or university purposes, and the proceeds thereof, shall be faithfully applied to the objects for which such gifts or grants were made.

SEC. 3. Neither the General Assembly nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money, or other personal property ever be made by the State or any such public corporation, to any church or for any sectarian purpose.

SEC. 4. No teacher, State, county, township, or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture, used or to be used in any school in this State with which such officer or teacher may be connected, under such penalties as may be provided by the General Assembly.

SEC. 5. There may be a county superintendent of schools in each county, whose qualifications, powers, duties, compensation, and time and manner of election, and term of office, shall be prescribed by law.

ARTICLE IX.

REVENUE.

SECTION 1. The General Assembly shall provide such revenue as may be needful by levying a tax, by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property—such value to be ascertained by some person or persons, to be elected or appointed in such manner as the General Assembly shall direct, and not otherwise; but the General Assembly shall have power to tax peddlers, auctioneers,

brokers, hawkers, merchants, commission merchants, showmen, jugglers, inn-keepers, grocery-keepers, liquor-dealers, toll-bridges, ferries, insurance, telegraph and express interests or business, venders of patents, and persons or corporations owning or using franchises and privileges, in such manner as it shall from time to time direct by general law, uniform as to the class upon which it operates.

SEC. 2. The specification of the objects and subjects of taxation shall not deprive the General Assembly of the power to require other subjects or objects to be taxed, in such manner as may be consistent with the principles of taxation fixed in this constitution.

SEC. 3. The property of the State, counties, and other municipal corporations, both real and personal, and such other property as may be used exclusively for agricultural and horticultural societies, for school, religious, cemetery and charitable purposes, may be exempted from taxation; but such exemption shall be only by general law. In the assessment of real estate incumbered by public easement, any depreciation occasioned by such easement may be deducted in the valuation of such property.

SEC. 4. The General Assembly shall provide, in all cases where it may be necessary to sell real estate for the non-payment of taxes or special assessments, for State, county, municipal, or other purposes, that a return of such unpaid taxes or assessments shall be made to some general officer of the county, having authority to receive State and county taxes; and there shall be no sale of said property for any of said taxes or assessments but by said officer, upon the order or judgment of some court of record.

SEC. 5. The right of redemption from all sales of real estate for the non-payment of taxes or special assessments of any character whatever, shall exist in favor of owners and persons interested in such real estate for a period of not less than two years from such sales thereof. And the General Assembly shall provide by law, for reasonable notice to be given to the owners or parties interested, by publication or otherwise, of the fact of the sale of the property for such taxes or assessments, and when the time of redemption shall expire: *Provided*, that occupants shall in all cases be served with personal notice before the time of redemption expires.

SEC. 6. The General Assembly shall have no power to release

or discharge any county, city, township, town or district whatever, or the inhabitants thereof, or the property therein, from their or its proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

SEC. 7. All taxes levied for State purposes shall be paid into the State treasury.

SEC. 8. County authorities shall never assess taxes the aggregate of which shall exceed seventy-five cents per one hundred dollars valuation, except for the payment of indebtedness existing at the adoption of this constitution, unless authorized by a vote of the people of the county.

SEC. 9. The General Assembly may vest the corporate authorities of cities, towns and villages, with power to make local improvements by special assessment or by special taxation of contiguous property, or otherwise. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such taxes shall be uniform in respect to persons and property, within the jurisdiction of the body imposing the same.

SEC. 10. The General Assembly shall not impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes, but shall require that all the taxable property within the limits of municipal corporations shall be taxed for the payment of debts contracted under authority of law, such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same. Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

SEC. 11. No person who is in default, as collector or custodian of money or property belonging to a municipal corporation, shall be eligible to any office in or under such corporation. The fees, salary or compensation of no municipal officer who is elected or appointed for a definite term of office, shall be increased or diminished during such term.

SEC. 12. No county, city, township, school district, or other municipal corporation, shall be allowed to become indebted in any manner or for any purpose, to an amount, including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the

last assessment for State and county taxes previous to the incurring of such indebtedness. Any county, city, school district, or other municipal corporation, incurring any indebtedness as aforesaid, shall, before or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal thereof within twenty years from the time of contracting the same. This section shall not be construed to prevent any county, city, township, school district, or other municipal corporation, from issuing their bonds in compliance with any vote of the people which may have been had prior to the adoption of this constitution in pursuance of any law providing therefor.

ARTICLE X.

COUNTIES.

SECTION 1. No new county shall be formed or established by the General Assembly which will reduce the county or counties, or either of them, from which it shall be taken, to less contents than four hundred square miles; nor shall any county be formed of less contents; nor shall any line thereof pass within less than ten miles of any county seat of the county or counties proposed to be divided.

SEC. 2. No county shall be divided, or have any part stricken therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county voting on the question, shall vote for the same.

SEC. 3. There shall be no territory stricken from any county, unless a majority of the voters living in such territory shall petition for such division; and no territory shall be added to any county without the consent of the majority of the voters of the county to which it is proposed to be added. But the portion so stricken off and added to another county, or formed in whole or in part into a new county, shall be holden for, and obliged to pay its proportion of the indebtedness of the county from which it has been taken.

COUNTY SEATS.

SEC. 4. No county seat shall be removed until the point to which it is proposed to be removed shall be fixed in pursuance of law, and three-fifths of the voters of the county, to be ascertained

in such manner as shall be provided by general law, shall have voted in favor of its removal to such point; and no person shall vote on such question who has not resided in the county six months, and in the election precinct ninety days next preceding such election. The question of the removal of a county seat shall not be oftener submitted than once in ten years, to a vote of the people. But when an attempt is made to remove a county seat to a point nearer to the centre of a county, then a majority vote only shall be necessary.

COUNTY GOVERNMENT.

SEC. 5. The General Assembly shall provide, by general law, for township organization, under which any county may organize whenever a majority of the legal voters of such county, voting at any general election, shall so determine, and whenever any county shall adopt township organization, so much of this constitution as provides for the management of the fiscal concerns of the said county by the board of county commissioners, may be dispensed with, and the affairs of said county may be transacted in such manner as the General Assembly may provide. And in any county that shall have adopted a township organization, the question of continuing the same may be submitted to a vote of the electors of such county, at a general election, in the manner that now is or may be provided by law; and if a majority of all the votes cast upon that question shall be against township organization, then such organization shall cease in said county; and all laws in force in relation to counties not having township organization, shall immediately take effect and be in force in such county. No two townships shall have the same name, and the day of holding the annual township meeting shall be uniform throughout the State.

SEC. 6. At the first election of county judges under this constitution, there shall be elected in each of the counties in this State, not under township organization, three officers, who shall be styled "The board of county commissioners," who shall hold sessions for the transaction of county business as shall be provided by law. One of said commissioners shall hold his office for one year, one for two years, and one for three years, to be determined by lot; and every year thereafter one such officer shall be elected in each of said counties for the term of three years.

SEC. 7. The county affairs of Cook county shall be managed by a board of commissioners of fifteen persons, ten of whom shall be elected from the city of Chicago, and five from towns outside of said city, in such manner as may be provided by law.

COUNTY OFFICERS AND THEIR COMPENSATION.

As amended in 1880. SEC. 8. In each county there shall be elected the following county officers, at the general election to be held on the Tuesday after the first Monday in November, A. D. 1882: A county judge, county clerk, sheriff, and treasurer; and at the election to be held on the Tuesday after the first Monday in November, A. D. 1884, a coroner and clerk of the circuit court (who may be *ex-officio* recorder of deeds, except in counties having 60,000 and more inhabitants, in which counties a recorder of deeds shall be elected at the general election in 1884). Each of said officers shall enter upon the duties of his office, respectively, on the first Monday of December after his election, and they shall hold their respective offices for the term of four years, and until their successors are elected and qualified: *Provided*, that no person having once been elected to the office of sheriff or treasurer shall be eligible to re-election to said office for four years after the expiration of the term for which he shall have been elected.

SEC. 9. The clerks of all the courts of record, the treasurer, sheriff, coroner and recorder of deeds of Cook county, shall receive as their only compensation for their services, salaries to be fixed by law, which shall in no case be as much as the lawful compensation of a judge of the circuit court of said county, and shall be paid, respectively, only out of the fees of the office actually collected. All fees, perquisites and emoluments (above the amounts of said salaries) shall be paid into the county treasury. The number of the deputies and assistants of such officers shall be determined by rule of the circuit court, to be entered of record, and their compensation shall be determined by the county board.

SEC. 10. The county board, except as provided in section nine of this article, shall fix the compensation of all county officers, with the amount of their necessary clerk hire, stationery, fuel and other expenses, and in all cases where fees are provided for, said compensation shall be paid only out of, and shall in no instance exceed, the fees actually collected; they shall not allow either of them more per annum than fifteen hundred dollars, in counties

not exceeding twenty thousand inhabitants; two thousand dollars, in counties containing twenty thousand and not exceeding thirty thousand inhabitants; twenty-five hundred dollars, in counties containing thirty thousand and not exceeding fifty thousand inhabitants; three thousand dollars, in counties containing fifty thousand and not exceeding seventy thousand inhabitants; thirty-five hundred dollars, in counties containing seventy thousand and not exceeding one hundred thousand inhabitants; and four thousand dollars, in counties containing one hundred thousand and not exceeding two hundred and fifty thousand inhabitants; and not more than one thousand dollars additional compensation for each additional one hundred thousand inhabitants: *Provided*, that the compensation of no officer shall be increased or diminished during his term of office. All fees or allowances by them received, in excess of their said compensation, shall be paid into the county treasury.

SEC. 11. The fees of township officers, and of each class of county officers, shall be uniform in the class of counties to which they respectively belong. The compensation herein provided for shall apply only to officers hereafter elected, but all fees established by special laws shall cease at the adoption of this constitution, and such officers shall receive only such fees as are provided by general law.

SEC. 12. All laws fixing the fees of State, county, and township officers shall terminate with the terms respectively of those who may be in office at the meeting of the first General Assembly after the adoption of this constitution; and the General Assembly shall, by general law, uniform in its operation, provide for and regulate the fees of said officers and their successors, so as to reduce the same to a reasonable compensation for services actually rendered. But the General Assembly may, by general law, classify the counties by population into not more than three classes, and regulate the fees according to class. This article shall not be construed as depriving the General Assembly of the power to reduce the fees of existing officers.

SEC. 13. Every person who is elected or appointed to any office in this State, who shall be paid in whole or in part by fees, shall be required by law to make a semi-annual report, under oath, to some officer to be designated by law, of all his fees and emoluments.

ARTICLE XI.

CORPORATIONS.

SECTION 1. No corporation shall be created by special laws, or its charter extended, changed, or amended, except those for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the State, but the General Assembly shall provide, by general laws, for the organization of all corporations hereafter to be created.

SEC. 2. All existing charters or grants of special or exclusive privileges, under which organization shall not have taken place, or which shall not have been in operation within ten days from the time this constitution takes effect, shall thereafter have no validity or effect whatever.

SEC. 3. The General Assembly shall provide, by law, that in all elections for directors or managers of incorporated companies, every stockholder shall have the right to vote, in person or by proxy, for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares, and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock, shall equal, or distribute them on the same principle among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner.

SEC. 4. No law shall be passed by the General Assembly, granting the right to construct and operate a street railroad within any city, town, or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

BANKS.

SEC. 5. No State bank shall hereafter be created, nor shall the State own or be liable for any stock in any corporation or joint stock company or association for banking purposes, now created, or to be hereafter created. No act of the General Assembly authorizing or creating corporations or associations, with banking powers, whether of issue, deposit or discount, nor amendments thereto, shall go into effect, or in any manner be in force, unless the same shall be submitted to a vote of the people at the general election next succeeding the passage of the same, and be approved

by a majority of all the votes cast at such an election for or against such law.

SEC. 6. Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to his or her respective shares so held, for all its liabilities accruing while he or she remains such stockholder.

SEC. 7. The suspension of specie payments by banking institutions, on their circulation, created by the laws of this State, shall never be permitted or sanctioned. Every banking association now, or which may hereafter be, organized under the laws of this State, shall make and publish a full and accurate quarterly statement of its affairs (which shall be certified to, under oath, by one or more of its officers), as may be provided by law.

SEC. 8. If a general banking law shall be enacted, it shall provide for the registry and countersigning, by an officer of State, of all bills or paper credit, designed to circulate as money, and require security, to the full amount thereof, to be deposited with the state treasurer, in United States or Illinois State stocks, to be rated at ten per cent. below their par value; and in case of a depreciation of said stocks to the amount of ten per cent. below par, the bank or banks owning said stocks shall be required to make up said deficiency, by depositing additional stocks. And said law shall also provide for the recording of the names of all stockholders in such corporation, the amount of stock held by each, the time of any transfer thereof, and to whom such transfer is made.

RAILROADS.

SEC. 9. Every railroad corporation organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made and in which shall be kept, for public inspection, books in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amounts owned by them respectively; the amount of stock paid in, and by whom; the transfers of said stock; the amount of its assets and liabilities, and the names and place of residence of its officers. The directors of every railway corporation shall, annually, make a report under oath, to the auditor of public accounts, or some officer to

be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. And the General Assembly shall pass laws enforcing by suitable penalties the provisions of this section.

SEC. 10. The rolling stock, and all other movable property belonging to any railroad company or corporation in this State, shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals, and the General Assembly shall pass no law exempting any such property from execution and sale.

SEC. 11. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given, of at least sixty days, to all stockholders, in such manner as may be provided by law. A majority of the directors of any railroad corporation, now incorporated or hereafter to be incorporated by the laws of this State, shall be citizens and residents of this State.

SEC. 12. Railways heretofore constructed or that may hereafter be constructed in this State, are hereby declared public highways, and shall be free to all persons, for the transportation of their persons and property thereon, under such regulations as may be prescribed by law. And the General Assembly shall, from time time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this State.

SEC. 13. No railroad corporation shall issue any stock or bonds, except for money, labor or property, actually received, and applied to the purpose for which such corporation was created; and all stock dividends, and other fictitious increase of capital stock or indebtedness of any such corporation, shall be void. The capital stock of no railroad corporation shall be increased for any purpose, except upon giving sixty days' public notice, in such manner as may be provided by law.

SEC. 14. The exercise of the power, and the right of eminent domain shall never be construed or abridged as to prevent the taking by the General Assembly, of the property and franchises of incorporated companies already organized, and subjecting them to the public necessity the same as of individuals. The right of trial by jury shall be held inviolate in all trials of claims

for compensation, when, in the exercise of the said right of eminent domain, any incorporated company shall be interested either for or against the exercise of said right.

SEC. 15. The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce such laws by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

ARTICLE XII.

MILITIA.

SECTION 1. The militia of the State of Illinois shall consist of all able-bodied male persons, resident in the State, between the ages of eighteen and forty-five, except such persons as now are or hereafter may be, exempted by the laws of the United States or of this State.

SEC. 2. The General Assembly, in providing for the organization, equipment and discipline of the militia, shall conform, as nearly as practicable, to the regulations for the government of the armies of the United States.

SEC. 3. All militia officers shall be commissioned by the governor, and may hold their commissions for such time as the General Assembly may provide.

SEC. 4. The militia shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at musters and elections, and in going to and returning from the same.

SEC. 5. The military records, banners and relics of the State shall be preserved as an enduring memorial of the patriotism and valor of Illinois, and it shall be the duty of the General Assembly to provide by law for the safe keeping of the same.

SEC. 6. No person having conscientious scruples against bearing arms shall be compelled to do militia duty in time of peace: *Provided*, such person shall pay an equivalent for such exemption.

ARTICLE XIII.

WAREHOUSES.

SECTION 1. All elevators or storehouses where grain or other property is stored for a compensation, whether the property

stored be kept separate or not, are declared to be public warehouses.

SEC. 2. The owner, lessee or manager of each and every public warehouse situated in any town or city of not less than one hundred thousand inhabitants, shall make weekly statements under oath, before some officer to be designated by law, and keep the same posted in some conspicuous place in the office of such warehouse, and shall also file a copy for public examination in such place as shall be designated by law, which statement shall correctly set forth the amount and grade of each and every kind of grain in such warehouse, together with such other property as may be stored therein, and what warehouse receipts have been issued, and are, at the time of making such statement, outstanding therefor; and shall, on the copy posted in the warehouse, note daily such changes as may be made in the quantity and grade of grain in such warehouse; and the different grades of grain shipped in separate lots shall not be mixed with inferior or superior grades, without the consent of the owner or consignee thereof.

SEC. 3. The owners of property stored in any warehouse, or holder of a receipt for the same, shall always be at liberty to examine such property stored, and all the books and records of the warehouse, in regard to such property.

SEC. 4. All railroad companies and other common carriers on railroads shall weigh or measure grain at points where it is shipped, and receipt for the full amount, and shall be responsible for the delivery of such amount to the owner or consignee thereof, at the place of destination.

SEC. 5. All railroad companies receiving and transporting grain in bulk or otherwise, shall deliver the same to any consignee thereof, or any elevator or public warehouse to which it may be consigned, provided such consignee or the elevator or public warehouse can be reached by any track owned, leased or used, or which can be used, by such railroad companies; and all railroad companies shall permit connections to be made with their track, so that any such consignee, and any public warehouse, coal bank or coal yard, may be reached by the cars on said railroad.

SEC. 6. It shall be the duty of the General Assembly to pass all necessary laws to prevent the issue of false and fraudulent warehouse receipts, and to give full effect to this article of the

constitution, which shall be liberally construed so as to protect producers and shippers. And the enumeration of the remedies herein named shall not be construed to deny to the General Assembly the power to prescribe by law such other and further remedies as may be found expedient, or to deprive any person of existing common law remedies.

SEC. 7. The General Assembly shall pass laws for the inspection of grain, for the protection of producers, shippers and receivers of grain and produce.

ARTICLE XIV.

AMENDMENTS TO THE CONSTITUTION.

SECTION 1. Whenever two-thirds of the members of each house of the General Assembly shall, by a vote entered upon the journals thereof, concur that a convention is necessary to revise, alter or amend the constitution, the question shall be submitted to the electors at the next general election. If a majority voting at the election vote for a convention, the General Assembly shall, at the next session, provide for a convention, to consist of double the number of members of the senate, to be elected in same manner, at the same places, and in the same districts. The General Assembly shall, in the act calling the convention, designate the day, hour and place of its meeting, fixing the pay of its members and officers, and provide for the payment of the same, together with the expenses necessarily incurred by the convention in the performance of its duties. Before proceeding, the members shall take an oath to support the Constitution of the United States, and of the State of Illinois, and to faithfully discharge their duties as members of the convention. The qualification of members shall be the same as that of members of the senate, and vacancies occurring shall be filled in the manner provided for filling vacancies in the General Assembly. Said convention shall meet within three months after such election, and prepare such revision, alteration or amendments of the constitution as shall be deemed necessary, which shall be submitted to the electors for their ratification or rejection, at an election appointed by the convention for that purpose, not less than two nor more than six months after the adjournment thereof; and unless so submitted and approved, by a

majority of the electors voting at the election, no such revision, alteration or amendment shall take effect.

SEC. 2. Amendments to this constitution may be proposed in either house of the General Assembly, and if the same shall be voted for by two-thirds of all the members elected to each of the two houses, such proposed amendments, together with the yeas and nays of each house thereon, shall be entered in full on their respective journals, and said amendments shall be submitted to the electors of this State for adoption or rejection, at the next election of members of the General Assembly, in such manner as may be prescribed by law. The proposed amendments shall be published in full at least three months preceding the election, and if a majority of the electors voting at said election shall vote for the proposed amendments, they shall become a part of this constitution. But the General Assembly shall have no power to propose amendments to more than one article of this constitution at the same session, nor to the same article oftener than once in four years.

SECTIONS SEPARATELY SUBMITTED.

ILLINOIS CENTRAL RAILROAD.

No contract, obligation or liability whatever, of the Illinois Central Railroad Company to pay any money into the State treasury, nor any lien of the State upon, or right to tax property of said company, in accordance with the provisions of the charter of said company, approved February tenth, in the year of our Lord one thousand eight hundred and fifty-one, shall ever be released, suspended, modified, altered, remitted, or in any manner diminished or impaired by legislative or other authority; and all moneys derived from said company, after the payment of the State debt, shall be appropriated and set apart for the payment of the ordinary expenses of the State government, and for no other purposes whatever.

MINORITY REPRESENTATION.

(See Sections 7 and 8, Article 4, page 80.)

MUNICIPAL SUBSCRIPTIONS TO RAILROADS OR PRIVATE CORPORATIONS.

No county, city, town, township, or other municipality, shall ever become subscriber to the capital stock of any railroad or

private corporation, or make donation to or loan its credit in aid of such corporation: *Provided, however,* that the adoption of this article shall not be construed as affecting the right of any such municipality to make such subscriptions where the same have been authorized, under existing laws, by a vote of the people of such municipalities prior to such adoption.

ILLINOIS AND MICHIGAN CANAL.

The Illinois and Michigan Canal shall never be sold or leased until the specific proposition for the sale or lease thereof shall first have been submitted to a vote of the people of the State, at a general election, and have been approved by a majority of all the votes polled at such election. The General Assembly shall never loan the credit of the State, or make appropriations from the treasury thereof, in aid of railroads or canals: *Provided,* that any surplus earnings of any canal may be appropriated for its enlargement or extension.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments made in the constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared:

SECTION 1. That all laws in force at the adoption of this constitution, not inconsistent therewith, and all rights, actions, prosecutions, claims and contracts of this State, individuals, or bodies corporate, shall continue to be as valid as if this constitution had not been adopted.

SEC. 2. That all fines, taxes, penalties and forfeitures, due and owing to the State of Illinois under the present constitution and laws, shall inure to the use of the people of the State of Illinois, under this constitution.

SEC. 3. Recognizances, bonds, obligations, and all other instruments entered into or executed before the adoption of this constitution, to the people of the State of Illinois, to any State or county officer or public body, shall remain binding and valid; and rights and liabilities upon the same shall continue, and all crimes and misdemeanors shall be tried and punished as though no change had been made in the constitution of this State.

SEC. 4. County courts for the transaction of county business in counties not having adopted township organization, shall con-

tinue in existence, and exercise their present jurisdiction until the board of county commissioners provided in this constitution is organized in pursuance of an act of the General Assembly; and the county courts in all other counties shall have the same power and jurisdiction they now possess until otherwise provided by law.

SEC. 5. All existing courts which are not in this constitution specifically enumerated, shall continue in existence and exercise their present jurisdiction until otherwise provided by law.

SEC. 6. All persons now filling any office or appointment shall continue in the exercise of the duties thereof according to their respective commissions or appointments, unless by this constitution it is otherwise directed.

SEC. 7. On the day this constitution is submitted to the people for ratification, an election shall be held for judges of the supreme court in the second, third, sixth and seventh judicial election districts designated in this constitution, and for the election of three judges of the circuit court in the county of Cook, as provided for in the article of this constitution relating to the judiciary, at which election every person entitled to vote, according to the terms of this constitution, shall be allowed to vote, and the election shall be otherwise conducted, returns made, and certificates issued, in accordance with existing laws, except that no registry shall be required at said election: *Provided*, that at said election in the county of Cook no elector shall vote for more than two candidates for circuit judge. If, upon canvassing the votes for and against the adoption of this constitution, it shall appear that there has been polled a greater number of votes against than for it, then no certificates of election shall be issued for any of said supreme or circuit judges.

SEC. 8. This constitution shall be submitted to the people of the State of Illinois for adoption or rejection at an election to be held on the first Saturday in July, in the year of our Lord one thousand eight hundred and seventy, and there shall be separately submitted at the same time, for adoption or rejection, sections nine, ten, eleven, twelve, thirteen, fourteen and fifteen, relating to railroads, in the article entitled "Corporations," the article entitled "Counties," the article entitled "Warehouses," the question of requiring a three-fifths vote to remove a county seat, the section relating to the Illinois Central Railroad, the section in rela-

tion to minority representation, the section relating to municipal subscriptions to railroads or private corporations, and the section relating to the canal. Every person entitled to vote under the provisions of this constitution, as defined in the article in relation to suffrage, shall be entitled to vote for the adoption or rejection of this constitution, and for or against the articles, sections and questions aforesaid, separately submitted, and the said qualified electors shall vote at the usual places of voting, unless otherwise provided; and the said election shall be conducted, and returns thereof made, according to the laws now in force regulating general elections, except that no registry shall be required at said election: *Provided, however,* that the polls shall be kept open for the reception of ballots until sunset of said day of election.

SEC. 9. The secretary of state shall, at least twenty days before said election, cause to be delivered to the county clerk of each county, blank poll-books, tally-lists, and forms of return, and twice the number of properly-prepared printed ballots for the said election that there are voters in such county, the expense whereof shall be audited and paid as other public printing ordered by the secretary of state is, by law, required to be audited and paid, and the several county clerks shall, at least five days before said election, cause to be distributed to the board of election, in each election district in their respective counties, said blank poll-books, tally-lists, forms of return, and tickets.

SEC. 10. At the said election the ballots shall be in the following form:

NEW CONSTITUTION TICKET.

For all the propositions on this ticket which are not canceled with ink or pencil, and against all propositions which are so canceled.

For the new constitution.

For the sections relating to railroads in the article entitled "Corporations."

For the article entitled "Counties."

For the article entitled "Warehouses."

For a three-fifths vote to remove county seats.

For the section relating to the Illinois Central Railroad.

For the section relating to minority representation.

For the section relating to municipal subscriptions to railroads or private corporations.

For the section relating to the canal.

Each of said tickets shall be counted as a vote cast for each proposition thereon not canceled with ink or pencil, and against each proposition so canceled, and returns thereof shall be made accordingly by the judges of election.

SEC. 11. The returns of the whole vote cast, and of the votes for the adoption or rejection of this constitution, and for or against the articles and sections respectively submitted, shall be made by the several county clerks as is now provided by law, to the secretary of state, within twenty days after the election, and the returns of said votes shall, within five days thereafter, be examined and canvassed by the auditor, treasurer and secretary of state, or any two of them, in the presence of the governor, and proclamation shall be made by the governor forthwith of the result of the canvass.

SEC. 12. If it shall appear that a majority of the votes polled are "for the new constitution," then so much of this constitution as was not separately submitted to be voted on by articles and sections, shall be the supreme law of the State of Illinois, on and after Monday, the eighth day of August, in the year of our Lord one thousand eight hundred and seventy; but if it shall appear that a majority of the votes polled were "against the new constitution," then so much thereof as was not separately submitted to be voted on by articles and sections, shall be null and void.

If it shall appear that a majority of the votes polled are "for the sections relating to railroads in the article entitled 'Corporations,' sections nine, ten, eleven, twelve, thirteen, fourteen and fifteen, relating to railroads in the said article, shall be part of the constitution of this State; but if a majority of said votes are against such sections, they shall be null and void. If a majority of the votes polled are "for the article entitled 'Counties,'" such article shall be a part of the constitution of this State, and shall be substituted for article seven in the present constitution, entitled "Counties;" but if a majority of said votes are against such article, the same shall be null and void. If a majority of the votes polled are "for the article entitled 'Warehouses,'" such article shall be a part of the constitution of this State; but if a majority of the votes are against said article, the same shall be null and void. If a majority of the votes polled are for either of the sections separately submitted, relating respectively to the

“Illinois Central Railroad,” “minority representation,” “municipal subscriptions to railroads or private corporations,” and the “Canal,” then such of said sections as shall receive such majority, shall be a part of the constitution of this State; but each of said sections so separately submitted, against which respectively there shall be a majority of the votes polled, shall be null and void: *Provided*, that the section relating to “minority representation” shall not be declared adopted unless the portion of the constitution not separately submitted to be voted on by articles and sections shall be adopted; and in case said section relating to “minority representation” shall become a portion of the constitution, it shall be substituted for sections seven and eight of the legislative article. If a majority of the votes cast at such election shall be for a three-fifths vote to remove a county seat, then the words “a majority” shall be stricken out of section four of the article on Counties, and the words “three-fifths” shall be inserted in lieu thereof, and the following words shall be added to said section, to-wit: “But when an attempt is made to remove a county seat to a point nearer to the centre of a county, then a majority vote only shall be necessary.” If the foregoing proposition shall not receive a majority of the votes, as aforesaid, then the same shall have no effect whatever.

SEC. 13. Immediately after the adoption of this constitution, the governor and secretary of state shall proceed to ascertain and fix the apportionment of the State for members of the first House of Representatives under this constitution. The apportionment shall be based upon the federal census of the year of our Lord one thousand eight hundred and seventy, of the State of Illinois, and shall be made strictly in accordance with the rules and principles announced in the article on the legislative department of this constitution: *Provided*, that in case the federal census aforesaid cannot be ascertained prior to Friday, the twenty-third day of September, in the year of our Lord one thousand eight hundred and seventy, then the said apportionment shall be based on the State census of the year of our Lord one thousand eight hundred and sixty-five, in accordance with the rules and principles aforesaid. The governor shall on or before Wednesday, the twenty-eighth day of September, in the year of our Lord one thousand eight hundred and seventy, make official announcement of said apportionment, under the great seal of the

State; and one hundred copies thereof, duly certified, shall be forthwith transmitted by the secretary of state to each county clerk for distribution.

SEC. 14. The districts shall be regularly numbered by the secretary of state, commencing with Alexander county as number one, and proceeding then northwardly through the State, and terminating with the county of Cook, but no county shall be numbered as more than one district, except the county of Cook, which shall constitute three districts, each embracing the territory contained in the now existing representative districts of said county. And on the Tuesday after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy, the members of the first House of Representatives under this constitution shall be elected according to the apportionment fixed and announced as aforesaid, and shall hold their offices for two years, and until their successors shall be elected and qualified.

SEC. 15. The Senate, at its first session under this constitution, shall consist of fifty members, to be chosen as follows: At the general election held on the first Tuesday after the first Monday of November, in the year of our Lord one thousand eight hundred and seventy, two senators shall be elected in districts where the term of senators expires on the first Monday of January, in the year of our Lord one thousand eight hundred and seventy-one, or where there shall be a vacancy, and in the remaining districts one senator shall be elected. Senators so elected shall hold their office two years.

SEC. 16. The General Assembly, at its first session held after the adoption of this constitution, shall proceed to apportion the State for members of the Senate and House of Representatives, in accordance with the provisions of the article on the legislative department.

SEC. 17. When this constitution shall be ratified by the people, the governor shall forthwith, after having ascertained the fact, issue writs of election to the sheriffs of the several counties of this State, or in case of vacancies, to the coroners, for the election of all the officers, the time of whose election is fixed by this constitution or schedule, and it shall be the duty of such sheriffs or coroners to give such notice of the time and place of said election as is now prescribed by law.

SEC. 18. All laws of the State of Illinois, and all official

writings, and the executive, legislative and judicial proceedings shall be conducted, preserved and published in no other than the English language.

SEC. 19. The General Assembly shall pass all laws necessary to carry into effect the provisions of this constitution.

SEC. 20. The circuit clerks of the different counties, having a population over sixty thousand, shall continue to be recorders (*ex-officio*) for their respective counties, under this constitution, until the expiration of their respective terms.

SEC. 21. The judges of all courts of record in Cook county shall, in lieu of any salary provided for in this constitution, receive the compensation now provided by law until the adjournment of the first session of the General Assembly after the adoption of this constitution.

SEC. 22. The present judge of the circuit court of Cook county shall continue to hold the circuit court of Lake county until otherwise provided by law.

SEC. 23. When this constitution shall be adopted, and take effect as the supreme law of the State of Illinois, the two-mill tax provided to be annually assessed and collected upon each dollar's worth of taxable property in addition to all other taxes, as set forth in article fifteen of the now existing constitution, shall cease to be assessed after the year of our Lord one thousand eight hundred and seventy.

SEC. 24. Nothing contained in this constitution shall be so construed as to deprive the General Assembly of power to authorize the city of Quincy to create any indebtedness for railroad or municipal purposes for which the people of said city shall have voted, and to which they shall have given, by such vote, their assent, prior to the thirteenth day of December, in the year of our Lord one thousand eight hundred and sixty-nine: *Provided*, that no such indebtedness, so created, shall, in any part thereof, be paid by the State, or from any State revenue, tax or fund, but the same shall be paid, if at all, by the said city of Quincy alone, and by taxes to be levied upon the taxable property thereof: *And provided, further*, that the General Assembly shall have no power in the premises that it could not exercise under the present constitution of this State.

SEC. 25. In case this constitution and the articles and sections submitted separately, be adopted, the existing constitution shall

cease in all its provisions; and in case this constitution be adopted, and any one or more of the articles or sections submitted separately be defeated, the provisions of the existing constitution, if any, on the same subject, shall remain in force.

SEC. 26. The provisions of this constitution required to be executed prior to the adoption or rejection thereof, shall take effect and be in force immediately.

Done in convention at the capitol, in the city of Springfield, on the thirteenth day of May, in the year of our Lord one thousand eight hundred and seventy, and of the independence of the United States of America the ninety-fourth.

CHARLES HITCHCOCK, *President.*

William J. Allen,
John Abbott,
James C. Allen,
Elliott Anthony,
Wm. R. Archer,
Henry I. Atkins,
James G. Bayne,
R. M. Benjamin,
H. P. H. Bromwell,
O. H. Browning,
Wm. G. Bowman,
Silas L. Bryan,
H. P. Buxton,
Daniel Cameron,
William Cary,
Lawrence S. Church,
Hiram H. Cody,
W. F. Coolbaugh,
Alfred M. Craig,
R. J. Cross.
Samuel P. Cummings,
John Dement,
G. S. Eldridge,
James W. English,
David Ellis,
Ferris Forman,
Jesse C. Fox,

Miles A. Fuller,
John P. Gamble,
Addison Goodell,
William C. Goodhue,
John C. Haines,
Elijah M. Haines,
John W. Hankins,
R. P. Hanna,
Joseph Hart,
Abel Harwood,
Milton Hay,
Samuel Snowden Hayes,
Jesse S. Hildrup,
Robert A. King,
James McCoy,
Charles E. McDowell,
Joseph Medill,
Clifton H. Moore,
Jonathan Merriam,
Joseph Parker,
Samuel C. Parker,
Peleg S. Perley,
William P. Pierce,
N. J. Pillsbury.
J. S. Poage,
Edward Y. Rice,
James P. Robinson,

Lewis W. Ross,
 John Schofield,
 Westel W. Sedgwick,
 James M. Sharp,
 Henry Sherrell,
 Wm. H. Snyder,
 O. C. Skinner,
 Charles F. Springer,
 R. B. Sutherland,
 John L. Tincher,
 C. Truesdale,
 Henry Tubbs,

Thomas J. Turner,
 Wm. H. Underwood,
 Wm. L. Vandeventer,
 Henry W. Wells,
 George E. Wait,
 George W. Wall,
 D. C. Wagner,
 George R. Wendling,
 Chas. Wheaton,
 L. D. Whiting,
 John H. Wilson,
 Orlando H. Wright.

Attest :

JOHN Q. HARMON, *Secretary.*

DANIEL SHEPARD, *First Assistant Secretary.*

A. H. SWAIN, *Second Assistant Secretary.*

AMENDMENTS TO THE CONSTITUTION.

The first amendment was proposed by the thirtieth General Assembly, 1877, and was adopted by a vote of the people on November 5, A. D. 1878. It applied to Section 31 of Article IV. For the text of the amendment see page 87.

The second amendment was proposed by the thirty-first General Assembly, 1879, and was adopted by a vote of the people on November 2, A. D. 1880. It applied to Section 8 of Article X. See page 108.

The third amendment was proposed by the General Assembly, 1883, and was adopted by a vote of the people November 4, A. D. 1884. It applied to Section 16 of Article V. See page 90.

FOURTH AMENDMENT.

Proposed by the Thirty-fourth General Assembly 1885, and adopted by a vote of the People on the 4th day of November, A. D. 1886.

CONTRACT CONVICT LABOR.

Hereafter it shall be unlawful for the commissioners of any penitentiary or other reformatory institution in the State of Illinois to let by contract to any person or persons, or corporations, the labor of any convict confined within said institution.

FIFTH AMENDMENT.

In force November 29, 1890.

The corporate authorities of the city of Chicago are hereby authorized to issue interest-bearing bonds of said city to an amount not exceeding five million dollars, at a rate of interest not to exceed five per centum per annum, the principal payable within thirty years from the date of their issue, and the proceeds thereof shall be paid to the treasurer of the World's Columbian Exposition, and used and disbursed by him, under the direction and control of the directors, in aid of the World's Columbian Exposition, to be held in the city of Chicago, in pursuance of an act of Congress of the United States: *Provided*, that if at the election for the adoption of this amendment to the constitution, a majority of the votes cast within the limits of the city of Chicago shall be against its adoption, then no bonds shall be issued under this amendment. And said corporate authorities shall be repaid as large a proportionate amount of the aid given by them as is repaid to the stockholders on the sums subscribed and paid by them, and the money so received shall be used in the redemption of the bonds issued as aforesaid: *Provided*, that said authorities may take, in whole or in part of the sum coming to them, any permanent improvements placed on land held or controlled by them: *And provided, further*, that no such indebtedness so created shall in any part thereof be paid by the State, or from any State revenue, tax, or fund, but the same shall be paid by the said city of Chicago alone.

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LIST OF GOVERNORS OF THE STATE OF ILLINOIS, WITH DATES OF SERVICE.

	<i>From</i>	<i>To</i>
1. Shadrach Bond	1818	1822.
2. Edward Coles	1822	1826.
3. Ninian Edwards	1826	1830.
4. John Reynolds	1830	1834.
5. Wm. Lee D. Ewing ¹	Nov. 17, 1834	Dec. 3, 1834.
6. Joseph Duncan	1834	1838.
7. Thomas Carlin	1838	1842.
8. Thomas Ford	1842	1846.
9. Augustus C. French ²	1846	1849.
10. Augustus C. French	1849	1853.
11. Joel A. Matteson	1853	1857.
12. William H. Bissell ³	1857	1860.
13. John Wood	1860	1861.
14. Richard Yates	1861	1865.
15. Richard J. Oglesby	1865	1869.
16. John M. Palmer	1869	1873.
17. Richard J. Oglesby ⁴	1873	1873.
18. John L. Beveridge	1873	1877.
19. Shelby M. Cullom	1877	1881.
20. Shelby M. Cullom ⁵	1881	1883.
21. John M. Hamilton	1883	1885.
22. Richard J. Oglesby	1885	1889.
23. Joseph W. Fifer	1889	1893.
24. John P. Altgeld	1893	—.

¹ Gov. Reynolds being elected to Congress.

² First term shortened by adoption of new Constitution of 1848.

³ Died in office; Lieut.-Governor Wood taking his place.

⁴ Elected to U. S. Senate, Lieut.-Governor Beveridge taking his place.

⁵ Elected to U. S. Senate, Lieut.-Governor Hamilton taking his place.

Population of the several Counties of Illinois according to the Census of 1890, showing loss or gain of population compared with the Census of 1880.

(The loss in population is indicated by the minus sign.)

<i>Names.</i>	<i>1890.</i>	<i>Loss or Gain.</i>
Adams	61,888	2,753
Alexander	16,563	1,755
Bond	14,550	— 316
Boone	12,203	695
Brown	11,951	— 1,090
Bureau	35,014	1,842
Calhoun	7,652	185
Carroll	18,320	1,344
Cass	15,963	1,470
Champaign	42,159	1,296
Christian	30,531	2,304
Clark	21,899	5
Clay	16,772	580
Clinton	17,411	— 1,303
Coles	30,093	3,051
Cook	1,191,922	584,398
Crawford	17,283	1,086
Cumberland	15,443	1,684
De Kalb	27,066	298
De Witt	17,011	1
Douglas	17,669	1,816
Du Page	22,551	3,390
Edgar	26,787	1,283
Edwards	9,444	847
Effingham	19,358	438
Fayette	23,367	126
Ford	17,035	1,936
Franklin	17,138	1,009
Fulton	43,110	1,870

POPULATION OF ILLINOIS—*Continued.*

<i>Names.</i>	<i>1890.</i>	<i>Loss or Gain.</i>
Gallatin	14,935	2,074
Greene	23,791	781
Grundy	21,024	4,292
Hamilton	17,800	1,088
Hancock	31,907	— 3,430
Hardin	7,234	1,210
Henderson	9,876	— 846
Henry	33,338	— 3,259
Iroquois	35,167	— 284
Jackson	27,809	5,304
Jasper	18,188	3,673
Jefferson	22,590	1,904
Jersey	14,810	— 732
Jo Daviess	25,101	— 2,427
Johnson	15,013	1,935
Kane	65,061	20,122
Kankakee	28,732	3,685
Kendall	12,106	— 977
Knox	38,752	408
Lake	24,235	2,939
La Salle	80,798	10,395
Lawrence	14,693	1,030
Lee	26,187	— 1,304
Livingston	38,455	5
Logan	25,489	452
Macon	38,083	7,418
Macoupin	40,380	2,688
Madison	51,535	1,409
Marion	24,341	655
Marshall	13,653	— 1,402
Mason	16,067	— 175
Massac	11,313	870
McDonough	27,467	— 503
McHenry	26,114	1,206
McLean	63,036	2,936
Menard	13,120	96
Mercer	18,545	— 957
Monroe	12,948	— 734
Montgomery	30,003	1,925

POPULATION OF ILLINOIS—*Continued.*

<i>Names.</i>	<i>1890.</i>	<i>Loss or Gain.</i>
Morgan	32,636	1,122
Moultrie	14,481	782
Ogle	28,710	1,227
Peoria	70,378	15,023
Perry	17,529	1,522
Piatt	17,062	1,479
Pike	31,000	— 2,751
Pope	14,016	760
Pulaski	11,355	1,848
Putnam	4,730	824
Randolph	25,049	— 641
Richland	15,019	— 526
Rock Island	41,917	3,615
Saline	19,342	3,402
Sangamon	61,195	8,301
Schuyler	16,013	— 236
Scott	10,304	— 437
Shelby	31,191	921
Stark	9,982	— 1,225
St. Clair	66,571	4,765
Stephenson	31,338	— 625
Tazewell	29,556	— 110
Union	21,549	3,447
Vermilion	49,905	8,317
Wabash	11,866	1,921
Warren	21,281	— 1,652
Washington	19,262	— 1,850
Wayne	23,806	2,515
White	25,005	1,918
Whiteside	30,854	— 31
Will	62,007	8,585
Williamson	22,226	2,902
Winnebago	39,938	9,433
Woodford	21,429	— 191
	<hr/> 3,826,351	<hr/> 748,480



List of Cities in Illinois having a population of more than 3000, according to the Census of 1890.

1. Alton	10,294	20. Kankakee	9,025
2. Aurora	19,688	21. La Salle	9,855
3. Belleville	15,361	22. Lincoln	6,725
4. Bloomington	20,484	23. Litchfield	5,811
5. Cairo	10,324	24. Mattoon	6,833
6. Canton	5,604	25. Moline	12,000
7. Champaign	5,839	26. Monmouth	5,936
8. Chicago	1,099,850	27. Ottawa	9,985
9. Danville	11,491	28. Pana	5,077
10. Decatur	16,841	29. Pekin	6,347
11. Dixon	5,161	30. Peoria	41,024
12. East St. Louis	15,169	31. Peru	5,550
13. Elgin	17,823	32. Quincy	31,494
14. Evanston	14,000	33. Rockford	23,584
15. Freeport	10,189	34. Rock Island	13,634
16. Galena	5,635	35. Springfield	24,963
17. Galesburg	15,264	36. Sterling	5,824
18. Jacksonville	12,935	37. Streator	11,414
19. Joliet	23,264		



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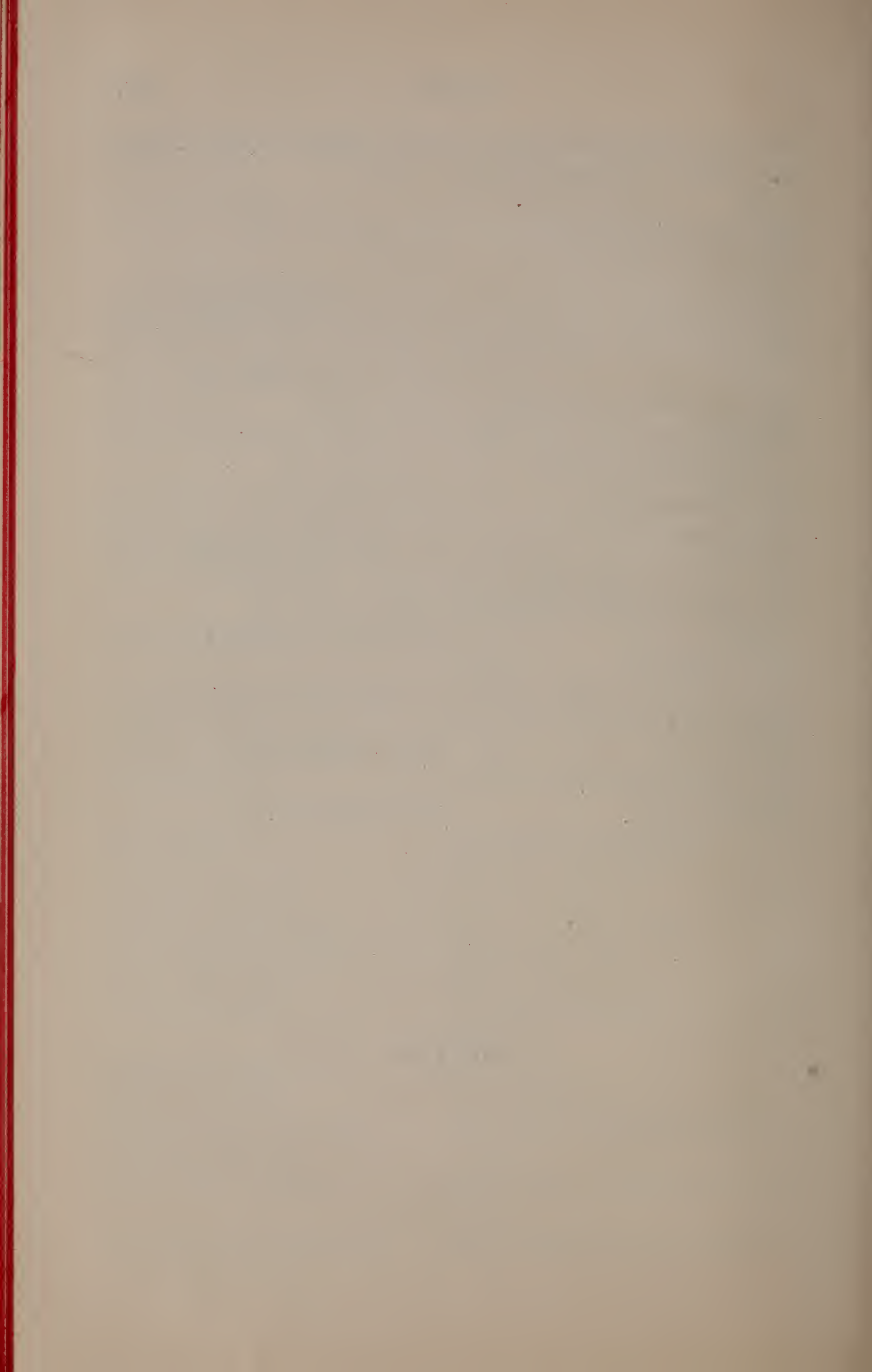
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